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THESIS

THE HIGH SCHOOL LAW COURSE AND HOW TO VITALIZE IT

by

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(B.B.A. Boston University 1928)

submitted in partial fulfillment of  
the requirements for the degree of

MASTER OF COMMERCIAL SCIENCE  
1934







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REVERENCE FOR LAW

"Let reverence for the law be breathed by every American mother to the lisping babe that prattles on her lap. Let it be taught in schools, in seminaries, and in colleges. Let it be written in primers, spelling books, and almanacs. Let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation."

----Abraham Lincoln

Each appreciated that these are the Mr. George L. Hoffacker of the Boston Clerical School, Mr. William L. Anderson of the Dorchester High School for Girls, Mr. Lacey of the Dorchester High School for Boys, and Mr. William L. Stainback and Mr. Maynard Baxter of the Boston High School for their cooperation in conducting regular qualified to fill out the questionnaire provided for pupils who had studied law in high school.







## PREFACE

In this paper an attempt has been made to answer two questions -- should law be taught in public high schools? And if so, is it possible to make it other than a "dry-as-dust" subject for study? Many topics included in the thesis have been touched upon only lightly as they would require an exhaustive treatment in themselves to arrive at detailed conclusions. In some chapters it has been difficult to eliminate material and many times, perhaps more often than should be the case in a paper of this type, material has been quoted verbatim because it has been so well expressed that any attempt to paraphrase it has tended to detract from its full significance.

Much appreciation and thanks are due Mr. George L. Hoffacker of the Boston Clerical School, Mr. William L. Anderson of the Dorchester High School for Girls, Dr. Lakey of the Dorchester High School for Boys, and Mr. William L. Steinhope and Mr. Maynard Maxim of the Newton High School for their cooperation in contacting pupils qualified to fill out the questionnaire prepared for pupils who had studied law in high school.



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Likewise, the author appreciates greatly the cooperation of state superintendents who expressed their willingness to cooperate by answering the questionnaire sent to them even though the information asked for was not available; of high school principals from whom almost 100% response to a questionnaire was received; of teachers of law in submitting information and expressing opinions; and of high school pupils in complying with the request of their instructors to submit answers to questionnaires.

Nor does the author overlook the cooperation and assistance, and helpful criticisms and suggestions of the many persons with whom she has corresponded and has held personal conferences -- teachers of law in high schools and colleges, directors of commercial education, and leaders in the field of education in general.

E.D.G.

April 30, 1934.





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PART I

## INTRODUCTION





## CHAPTER I

### THE PURPOSE OF THE STUDY

"Many have known many things;  
no one has known everything."

### The Problem - Its Significance and Importance

Of the social business subjects included in the high school curriculum, Business Law, or Commercial Law, as it is generally called, is open perhaps to as much, if not more, criticism than any other social business subject -- criticism directed primarily against the justification for its inclusion in the high school program and the values derived from the present methods of teaching it.

Commercial law is the oldest of the social sciences.(1) It is directly related to the principles of right and wrong as they apply to the everyday life of every individual. It would appear then that Blackstone has truthfully said, "The science of the law should in some manner be the study of every free citizen."(2)

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(1) New York State Syllabus in Commercial Subjects,  
Commercial Law, p. 33

(2) Kitson, Commercial Education in Secondary Schools,  
p. 128





### Definition of Terms

"Law, in its technical sense, is a rule of civil conduct, prescribed by competent political authority, commanding certain things as necessary to, and forbidding other certain things as inconsistent with, the peace and order of society." (1)

The question is immediately raised, Is it law or commercial law which is to be the subject of this discourse? And again, if it is commercial law, is it a subject separate and distinct from all other law or is it, rather, law as applied to business? As will be shown later, commercial law cannot be studied as a phase of law separate and distinct from all other law; it is merely law applicable to business and, therefore, law in its general sense must be considered before commercial law, so-called, can be understood.

While it is the author's contention that the high school course in this subject should not carry the label of either "commercial" or "business" law, it must be recognized that the course as taught today emphasizes the business aspect as such. Thus, any paper on the subject must necessarily treat it largely from the business

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(1) Blackstone, Commentaries on the Law of England, Vol. I, pp. 38-44.





standpoint. It will be well, therefore, to understand the meaning of those terms that will be used commonly throughout this paper in the sense in which they will be used.

Law, Black defines as, "a system of principles and rules of human conduct, being the aggregate of those commandments and principles which are either prescribed or recognized by the governing power in an organized jural society as its will in relation to the conduct of the members of such society, and which it undertakes to maintain and sanction and to use as the criteria of the actions of such members."(1)

That is, a law is a rule of action laid down by a superior power (the governing body) which the inferior (the individual) must obey.

Commercial law is "a phrase used to designate the whole body of substantive jurisprudence applicable to the rights, intercourse, and relations of persons engaged in commerce, trade or mercantile pursuits."(2)

Business law, Jones defines as, "a study of the law which concerns the usual, ordinary business transaction."(3)

The conclusion may be drawn from these two definitions that the high school law course as taught today is more properly called "Business Law" than "Commercial Law" for, as Franklin C. Sewell points out, business law is not an isolated branch

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(1) Black's Law Dictionary, p. 700

(2) Ibid, p. 226

(3) Jones, Teaching Business Subjects in the Secondary School, p. 218.





of the law but includes a variety of topics whose only relation to each other is that they are all of importance in the transaction of the ordinary affairs of commerce.(1) Therefore the term "business law" will be used as far as possible in this paper in preference to the term "commercial law", though the terms are used interchangeably by all writers.

Public High School refers to any school supported by public funds where pupils of either sex may continue their education beyond the grammar school. It includes grades nine or ten through twelve and the pupils generally range from fourteen to eighteen years of age.

Vitalize means "to endow with life, or vitality; to give life to, to make alive."(2)

As applied to the teaching of law, it is that process by which the subject is made to live in the lives of the pupils and is made of vital interest and importance to them in their daily conduct.

### Research in the Field

While writers on commercial education in general have included in their studies a consideration of the subject of law, little research has been done in the field of the high school law course itself. Dr. Frederick J. Weersing, Professor of Education at the

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(1) Sewell, An Analysis of the Textbooks Used in the Teaching of the Law in the Secondary Schools of the State of California, p. 13

(2) Black's Law Dictionary, p. 1239





University of Southern California, in his study of commercial education in the high schools of the State of Minnesota, made a survey of each course included in the commercial curriculum. As with all subjects, he studied "Commercial Law" as taught in the State of Minnesota and reported on the enrollments, the aims of the course, textbooks and supplementary material used, the content of the course, and methods of teaching the subject.(1)

As for research studies devoted exclusively to the subject of law in the high school, the author was able to find only four, three of which had been written as masters' theses for Master of Arts degrees. Franklin C. Sewell, of the University of Southern California, wrote "An Analysis of the Textbooks Used in the Teaching of the Law in the Secondary Schools of the State of California."(2) John C. Lackas, of New York University, attempted to learn "To What Extent is the Subject Matter of Business Law Textbooks in Agreement with the Subject Matter of Litigated Cases."(3) While they contained much excellent material, both theses were highly subjective

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(1) F. J. Weersing, Reorganization of Commercial Education in Public High Schools, pp. 51-55

(2) F. C. Sewell, "An Analysis of the Textbooks Used in the Teaching of the Law in the Secondary Schools of the State of California", unpublished thesis.

(3) J. C. Lackas, "To What Extent is the Subject Matter of Business Law Textbooks in Agreement with the Subject Matter of Litigated Cases", unpublished thesis.





and, as their titles indicate, were restricted to a particular phase of the teaching of law in high schools - the content of the course.

A more comprehensive study, and one to which much reference is made by educators, was made by Etta M. Skene, Assistant in Business Education, New York University. Miss Skene made a comparative study of the teaching of business law in the public high schools of the states of Oklahoma and New Jersey in 1930, dividing her study into five main questions:(1)

1. What is the curriculum status of business law in the States of Oklahoma and New Jersey?
2. What are the immediate teaching aims of the subject?
3. What are the teaching materials through which to realize these aims?
4. What are the most important teaching problems of the subject?
5. What is the status of the teachers of the subject?

The fourth study consisted of a series of objective tests conducted by H. G. Shields, of the University of Chicago, for the purpose of analyzing the relationship of pupil to subject matter with a view toward securing a more exact picture of what the secondary

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(1) E. M. Skene, A Comparative Study of the Status of the Teaching of Business Law in the Public High Schools in the States of Oklahoma and New Jersey in 1930, published in New York University Research Bulletin, October, 1930.





school commercial law is.(1) The results of this study were published in the July and August 1929 issues of the Journal of Business Education.

#### Purpose of the Present Study

The idea of the present study originated after the author had taken several courses in methods of teaching various commercial subjects. Her interest was aroused during a course in "Methods of Teaching Commercial Law in Secondary Schools" in which she learned of the possibilities of making the subject interesting, saw and heard an instructor accomplish this feat, and yet continued to hear criticism and questioning of the value of such a course in high school. In this study an attempt has been made to learn the present status of the teaching of law in the high schools of Massachusetts in particular, and to discover the basis for the contention that law should not be taught in the high school and for the criticism of the present teaching of the subject.

Though having had little teaching experience, the author attempted to gather information regarding methods of vitalizing and motivating the teaching of law that have been used successfully in high school, for the

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(1) H. G. Shields, What the Student Thinks of Commercial Law, Journal of Business Education, July, 1929, p. 18.





purpose of showing that under proper conditions this subject, as well as any other subject in the high school curriculum and better than many others, can and should be made interesting and of value to the high school pupil.

#### Materials and Methods Used

According to Kahn and Klein, "One of the serious obstacles to the improvement in this direction (teaching of Business Law) is the fact that very little has been written on the subject of the teaching of law, particularly from the standpoint of the secondary school."<sup>(1)</sup> While little actual research has been done in this field, as stated above, and while the statement of Kahn and Klein was true a few years ago, there has been much written in very recent years along this line. It is true that a great deal of the material written covers much of the same ground, and there are practically no books on the subject of law for the high school, outside of the textbooks. Yet many articles have been written and published in magazines, many papers and speeches have been delivered at educational conferences, and many writers on the subject of commercial education have included in their books at least one chapter on the teaching of law in the high school.

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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 300.



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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 300.

The author had no difficulty in finding material relative to the subject and, in fact, there is much excellent material that she would have liked to include herein verbatim, in addition to that which has been so included, in the hope that it might some day be brought to the attention of those who are groping in the dark in their teaching of the subject. The available material is so scattered that few teachers have the time to find it and make use of it.

Herbert A. Tonne, writer on social business subjects, has written, "Our difficulty in making education more scientific is not that we are lacking in sound research, but that we do not apply its results. If all the significant discoveries of research in education were put into practice, our schools would approach Utopia. Such an advance would encourage scientific study to strive for the Ideal itself."(1) While there is little research in this field of law, perhaps the same might be said of the use and application of the contributions that have been made.

Because of the lack of material relative to the actual status of the course in the high schools of

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(1) Haynes and Graham, Research in Business Education, p. 22. (Quoted from H. A. Tonne, "Index of Dissertations of the School of Education", New York University, New York, 1929.)





today, due to the lack of research in this field, together with the fact that the statistics available were several years old, questionnaires were sent out for the purpose of securing first hand and up-to-date information.

#### Questionnaire to State Departments of Education

Though the study was to be based primarily on the teaching of law in the high schools of Massachusetts, a questionnaire was sent to state departments of education outside of Massachusetts to learn to what extent the teaching of law is recommended in other states. Because of reduced clerical forces as a result of economy measures, few state departments had on file the information requested and the scope of this paper did not warrant the author attempting to secure the information directly from each high school in the forty-eight states in the union. Little information, therefore, was secured from this questionnaire.

A study was then made of the available Courses of Study and Syllabi of the various state departments of education to secure as much information as possible regarding the teaching of law in public high schools outside of Massachusetts.





### Questionnaire to High School Principals

An unusually good response was received from the questionnaire sent to the high school principal of each high school in the State of Massachusetts. From these questionnaires it was possible to determine the extent to which law is being taught in the high schools of Massachusetts, an approximation of the percentage of pupils taking the course; and the textbooks and supplementary material used. Several principals voluntarily offered information not requested on the questionnaire which furnished important evidence for use in many sections of this study.

### Questionnaire to Teachers of Law

It was not deemed feasible, and in fact it was not possible, to enlist the services of all teachers of law in the State of Massachusetts, but a questionnaire was sent to a selected list of such teachers to secure their attitude toward and procedure in the teaching of law in high school. It was felt that the teacher of law, being in closer contact with the work, could give more valuable information regarding such matters as the content of the course, the aims of the course, and methods of instruction than the high school principal.





Furthermore, by sending the questionnaire directly to the teacher a truer reaction was undoubtedly secured than if the questionnaire had been sent through the high school principal.

#### Questionnaire to High School Pupils

To complete the picture, the reaction of state superintendents, high school principals, and teachers having been secured, a questionnaire was prepared and through the cooperation of heads of departments was filled out by the pupils themselves in the Boston Clerical School, Dorchester High School for Boys, Dorchester High School for Girls, and the Newton High School. It was difficult to complete this part of the survey as it was necessary to contact pupils who had completed their law course. Only through the hearty cooperation and support of the heads of the commercial departments in these schools was it possible to secure the pupil reaction to the study of law.



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## CHAPTER II

### THE TEACHING OF LAW IN HIGH SCHOOLS

"Ignorance of the law brings no man."

--JOHN RALDEN

There is much talk today about the increased emphasis being given to the social aspect of commercial education accompanied by a decrease in the stress on vocational skills. Such a trend is not altogether objectionable.

## PART II

THE LAW COURSE IN PUBLIC HIGH SCHOOLS

(1) The social objective, which is to give to all secondary school pupils a knowledge of the basic principles of business in society, and

(2) the vocational objective, which is to prepare a smaller group of pupils for definite occupations.

In other words, the purpose of business education today is not merely to train pupils in the various subjects which give them a general knowledge of the business world, but rather to prepare them for the specific occupations which they will follow in their adult life.

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(1) F.C. Nichols, Commercial Education in the High School, pp. 140-141





## CHAPTER II

### WHY TEACH LAW IN HIGH SCHOOL?

"Ignorance of the law excuses no man."

--John Selden

Much is heard today about the increased emphasis being given to the social aspect of commercial education accompanied by a decrease in the stress on vocational skills. Educators now claim two distinct objectives for business education:

- (1) the social objective, which is to give to all secondary school pupils a knowledge of the socio-economic functions of business in society, and
- (2) the vocational objective, which is to prepare a smaller group of pupils for definite occupations.(1)

In other words, the purpose of business education today is not merely to train pupils in the specific subject matter of a given course for the purpose of developing skills, but rather to educate them in all the subject matter which would be instrumental in preparing them to lead a full and complete life.

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(1) F.G. Nichols, Commercial Education in the High School, pp. 240-241





That educators in the commercial field have not yet fully realized or made provision for such education for living, is shown by the following observations of Dr. Weersing.

"There is a large body of information both of the practical as well as of the cultural type, which all persons need, irrespective of future vocations. Except for some preliminary units included in junior business training in the junior high school, this vast field remains completely unexplored. In the senior high school no such courses exist, no texts have as yet been published, and the need is almost universally ignored. Any student desiring some commercial knowledge as a part of his general education or for managing his personal affairs, is forced to seek such information in courses designed for vocational use, usually courses which are technical and do not serve his needs at all adequately. When commercial teachers and administrators generally become aware of the important service which the commercial department may render to the regular student who is not a commercial major, we may look for a great expansion of the work and a great gain in academic prestige. When that time comes, certain phases of commercial education will take their place side by side with the other social sciences -- economics, history, geography, etc., as one of the regular studies to be pursued by every student in the high school."(1)

"The greatest shortcoming, however, of the average commercial curriculum, so far as

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(1) F. J. Weersing, The Future of Secondary Commercial Education, The Balance Sheet, February, 1929, p. 162





non-vocational courses(1) are concerned, is the lack of a broadly practical course giving general information relating to such everyday problems as insurance, investments, credit, banking, real-estate, inheritances, trust-companies, building and loan associations, business records, contracts, certain parts of business law, and a large number of other topics which form the daily concern of personal and family life."(2)

Bernard Forcey writes of one school where the demand on the part of non-business pupils to be admitted into certain subjects in the business curriculum was particularly persistent in respect to business law and resulted in an extension of the subject to accommodate these non-business pupils.(3) Yet this is undoubtedly an exceptional case if the opinion of Grover H. Alderman, cited by John C. Lackas in his thesis on the teaching of law, is to be given consideration.

"Grover H. Alderman in criticising the lack of legal information given to secondary students made the following statement:

'Our schools assume to prepare the individual for citizenship by informing him concerning the relationships which are established by citizenship. There is, however, a general feeling

- 
- (1) By non-vocational courses are meant the social-business subjects such as commercial law, commercial geography, commercial history, and business economics which contribute primarily to the general business background of the individual rather than to the development of any specific technique or skill needed for a particular occupation.
  - (2) F. J. Weersing, *The Non-Vocational Values of Commercial Education*, The Balance Sheet, March, 1929, p. 196.
  - (3) Bernard Forcey, *Extension of Law in the High School Curriculum*, The Balance Sheet, January, 1930, p. 133.





of disappointment in the case of civics courses commonly offered in the high school because they do not give the student information in regard to those legal aspects of citizenship which may affect him directly as an adult citizen.'(1)

"In view of the fact that a fundamental premise in law is the proposition that 'ignorance of the law is no defense', it is indefensible that educational agencies should be so neglectful in not providing a means for the dissemination among the public of information concerning elementary principles of law. The paradox is ridiculous and an indictment of the provincialism and reactionary nature of educators."(2)

#### Need for the Study of Law in High School

A few years ago Richard Washburn Child, former Ambassador to Italy, wrote several articles for the Saturday Evening Post severely criticizing the American system of justice. He portrayed it as "out-of-date and cumbersome; its spirit is ignored in the trivia of petty detail; and it is used as a means of protecting vicious vested interests which are draining away the foundations of our social structure."(3)

"Justice", said Daniel Webster, "is the greatest interest of mankind on earth!" In view of this general

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(1) What An Iowa Layman Should Know About Courts and Law, The School Review, Vol. XXX, p. 360.

(2) J. C. Lackas, To What Extent is the Subject-Matter of Textbooks in Agreement with the Subject-Matter of Litigated Cases, p. 7

(3) Tonne, Social Business Education in Secondary Schools, p. 123





truth and since the primary objective of all education is to develop in the pupil qualities of character and good citizenship, it cannot be questioned that the inclusion in the high school program of any subject which develops an appreciation of the meaning of justice and the understanding of one's rights and his corresponding duties and obligations as an American citizen is perfectly justified. The constant contact of human beings with other human beings in both business and social life has resulted in the establishment of laws regulating and protecting the activities of these human beings in such relationships and setting forth their rights and duties. However, if these means of regulation and protection are to be of value they must be known and understood by everyone.

It would seem from the criticism of Richard Washburn Child -- and the conditions which exist at present in our courts and law enforcement bodies are further proof -- that there is a great lack of such understanding among the people of this country. That such a condition should not, and indeed does not need to, exist is shown by the following quotation from one of Mr. Child's articles:





"It is a curious fact, then, that in general this truth (that 'Justice is the greatest interest of mankind on earth') and an understanding of law are not taught in the public schools. The whole foundation of society and of government is made up of the common-consent agreement to play the game of life according to generally accepted rules of conduct between man and man. It is the most of government.

"It is far more important that a coming generation in America should have knowledge of the elements of law, of our system of law, our right to the command of law, upon which a people under a democracy furnishes a willing obedience to law, than for the coming generation to know who is the king of Afghanistan, or that the answer to the problem is that George has six apples more than John gave Robert, or that cheese is an export of Switzerland, or that Richard the Second attended his own coronation.

"The lack of a thorough primary course in law in most of our schools is no scandal; it is merely another example of unimaginative backwardness which afflicts educators exactly as it afflicts jurists and lawyers.

"A population, given even a rudimentary knowledge of what good law and good legislation and good legal machinery are, would kick much of our own out the door, bag and baggage.

"And then it would begin to respect and obey whatever was left and whatever new law common sense would add to it. Such a population, with the foundation of a public-school education in our system of law, would see, with no scales upon its eyes, what clownish shapes our trusteeship of it has taken."(1)

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(1) R. W. Child, Justice on the Carpet, Saturday Evening Post, Vol. 202, No. 23, p. 232.





At a recent convention in Boston a speaker, in her lecture on "Modern Methods of Teaching Business Law", referred to an inscription on the tombstone of a deceased lawyer.(1)

"Here lyeth one, deny it if you can,  
Who, tho a lawyer, was an honest man;  
Heaven's gate to him is open wide,  
But shut, alas, to all the tribe beside."

Why did laughter follow this quotation? Because everyone recognized therein a common truth -- the general feeling that all lawyers are crooks; or, if not crooks, they tend to take advantage of their clients. Why is this possible? It is possible in large measure because the average person is blissfully ignorant of the fundamental principles governing human relationships. It is lack of knowledge of common, everyday facts that makes possible the work of those lawyers who are crooks, and allows others to take advantage of their clients.

And not until such simple knowledge is given in the high school -- the only educational agency where the majority of the population may be reached at a time when they are mature enough to grasp and comprehend the study of law as such -- can anything be done to counteract this attitude not only toward lawyers but toward the whole law enforcement body.

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(1) B.N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 106.





For further evidence that the study of law is needed in the high school one may look to the work of Sir William Blackstone. Thinking of the United States as a land governed by a system of laws and a land in which political or civil liberty is the very end and scope of the constitution, one may apply to it what he says of England, "This liberty rightly understood, consists in the power of doing whatever the laws permit; which is only to be effected by a general conformity of all orders and degrees to those equitable rules of action; by which the meanest individual is protected from the insults and oppression of the greatest. As, therefore, every subject is interested in the preservation of the laws, it is incumbent upon every man to be acquainted with those at least, with which he is immediately concerned; lest he incur the censure, as well as inconvenience, of living in society without knowing the obligations which it lays him under."(1)

As pointed out above, the only opportunity offered the majority of our citizens to become acquainted with the law is in the secondary school, and the responsibility for acquainting them with the law is left largely in the hands of the teachers of business law.

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(1) Sir William Blackstone, Commentaries on the Law of England, Vol. I, p. 7.





### Increasing Importance of the Subject

In a reactionary age such as the present period of uncertainty and immorality -- following a period of depression which has driven many to desperation, when disregard for law is rampant -- the importance, and particularly the increasing importance, of the study of law cannot be too greatly stressed. That this is true is borne out in part by the increased amount of literature that has been written on the subject. Not only have articles on methods and problems in the teaching of law been written by educators for educational magazines, but many legal and business publications have carried discussions on the subject written by business men.

For example, Howard C. Schermerhorn, Principal of the Washington Heights Merchant's and Bankers' School, New York City, has said, speaking of law, "Certainly, the study of any subject that will give the student a broader view of life, and a keener appreciation of its sociological and economical fabric has cultural value." (1) Again, W. O. Winkler, C.P.A., of the Business Institute, Detroit, says, regarding the subject of law, "That

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(1) B.B.Cobb, The Wide Field of Commercial Law, The Balance Sheet, November, 1929, p. 66.





subject-----has become a living truth that needs to find its place in the life of every student."(1)

Franklin C. Sewell draws the following conclusion from his studies and compilation of material for his master's thesis on the subject of law in the high school. "There is probably no other subject which fills so wide a gap in the curriculum, which has sprung into existence in so short a time, and which gives greater promise of genuine service to the world at large, than does the teaching of the subject of business law."(2)

A more forceful recognition of the need for the teaching of law in public high schools today is given in a letter received from the principal of a high school in Massachusetts where the teaching of commercial law has been resumed after a lapse of about twelve years. The principal stated it was resumed "because we felt there was a need within our school for the awareness of certain legal rights, responsibilities, and duties." The principal further stated, "I am in sympathy with the teaching of law in the high school if it is taught correctly. I do not believe that we should teach it with

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(1) B. B. Cobb, The Wide Field of Commercial Law, The Balance Sheet, November, 1929, p. 66.

(2) F. C. Sewell, An Analysis of the Textbooks Used in the Teaching of Law in the Secondary Schools of the State of California, p. 22





the idea of developing lawyers or with the idea of its great practical value. In such a modified course, I believe that the most we may expect is a bringing out of the awareness of legal concepts."(1)

Many other authorities might be quoted to prove the present and particularly the growing need for the study of law in the high school, but in the opinion of the author the situation has been most ably summed up by the Indiana State Department of Education.

"Ignorance on the part of an individual is not an excuse in the eyes of the law, so why send our people out as high school graduates unless they have a notion of how to deal with the actual problems which each day they must come in contact with and have some solution for that problem. We do not aim to make lawyers of our people, but instead we aim to better prepare them to know how to take care of themselves and to get legal help when they need it.

"There seems to be no better place in our entire curriculum to teach the boys and girls the principles of good citizenship than through a course in commercial law. With the present world problems arising it is the duty of a secondary school to give the boys and girls this knowledge which will be helpful to them in carrying out their life's program.

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(1) It is not possible to give the authority for any material quoted from replies to the questionnaires which were used in this study because of a promise made to all those to whom questionnaires were sent that their names or the names of their schools would not be disclosed.





The day of depending on the other fellow is past. We have reached a new level. Life's work is a sequence of businesses so it is our task to teach things which can be used in the best way possible."(1)

"The Law Is Not Expected Yet May Be Later 1917"

---Daniel Webster

It is only within recent years that vocational law, along with other courses in the field of commercial education, has been given a place in the public high school program. The Indiana State Board of Education states that "people are gradually coming to the place where they realize that the younger generation should have something along the legal procedure by which they may be able to protect themselves with a knowledge to go out into society and able to live their lives even though they may not be afforded a college education."(1)

Lawrence S. Lyon, in his book "Education for Business", includes a survey of the status of the vocational business subjects in the high school in 1918. As a result of the replies from 137 schools, he gives the following information regarding the law course. With one exception -- commercial schools, which was offered in

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(1) Commercial Arts Course of Study for Indiana Schools, p. 135

(1) Commercial Arts Course of Study for Indiana Schools, p. 135





### CHAPTER III

#### EXTENT TO WHICH LAW IS TAUGHT

"The Law! It has honored us! May we honor it!"

---Daniel Webster

It is only within recent years that business law, along with other courses in the field of commercial education, has been given a place in the public high school program. The Indiana State Board of Education states that "people are gradually coming to the place where they realize that the younger generation should have something along the legal procedure by which they may be able to furnish themselves with a foundation to go out into society and ably fill their places even though they may not be afforded a college education." (1)

Leverett S. Lyon, in his book "Education for Business", includes a survey of the status of the social business subjects in the high school in 1919. As a result of the replies from 136 schools, he gives the following information concerning the law course. With one exception -- commercial geography, which was offered in

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(1) Commercial Arts Course of Study for Indiana Schools,  
p. 135





119 schools -- business law was far in the lead, 118, or 86.8% of the schools offering it. In 90, or 76.2% of the schools it was a required course; and in 28, or 23.7%, an elective course. This survey, however, related only to the social business subjects and gave no data for business law as compared with other types of subjects in the high school curriculum.(1)

Subject	Number and Percentage of Schools Where Law Was					
	Offered		Required		Elective	
	No.	%	No.	%	No.	%
Industrial History	41	31.6%	31	72.0%	12	28.0%
History of Commerce	31	22.0	25	80.6	6	19.3
Economics	82	61.0	49	59.7	33	40.2
Com'l Geography	119	87.3	94	78.9	25	21.0
Com'l Law	118	86.8	90	76.2	28	23.7
Business English	73	53.6	64	87.6	9	12.3
Salesmanship	40	29.4	15	37.5	25	62.5
Advertising	24	18.3	8	33.3	16	66.6
Com'l Organization	11	8.08	4	36.3	7	63.7

These statistics showing the relative unimportance of the law course are further substantiated by results indicated in Nichols' "Commercial Education in the High School". In 1903 the National Education Association, having committed itself to the promotion of the social phase of business education, recommended, among other proposals regarding social business subjects made by the

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(1) L. S. Lyon, Education for Business, p. 369





Committee of Nine, that business law be offered for a half year in the eleventh year of the high school program.(1) Yet nineteen years later the enrollments in commercial subjects showed that the social business subjects, including business law, had made little progress.(2)

<u>Subjects</u>	<u>Students</u>
Bookkeeping	270,517
Shorthand	191,904
Typewriting	281,524
Commercial Law	19,611
Commercial Geography	36,616
Commercial History	8,307

In 1927 Dr. Frederick J. Weersing, Professor of Education at the University of Southern California, made a survey of commercial education in the public high schools of the State of Minnesota. The results of his survey showed that, in addition to the three courses required as a minimum curriculum for all state-aided commercial departments -- typewriting, shorthand, and bookkeeping -- either economic geography or commercial law was offered in 60% of the schools where anything was offered beyond the three technical subjects mentioned.

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(1) F. G. Nichols, Commercial Education in the High School, p. 426.

(2) Ibid, p. 426.





As a general rule both economic geography and commercial law were offered in the same school.

The following table shows the number of high schools in Minnesota offering the various commercial subjects. It will be noticed that 45% of the 164 schools reporting offered commercial law.(1)

Number of High Schools, Grouped According to Size,  
Which Offer the Subjects Indicated

	Size of School by Groups*				
	A	B	C	D	Total
<b>Subjects:</b>					
Typewriting I.....	99	37	11	17	164
Typewriting II.....	82	35	11	17	145
Shorthand I.....	97	37	11	17	162
Shorthand II.....	81	36	11	16	144
Bookkeeping I.....	93	36	10	16	155
Bookkeeping II.....	13	6	8	12	39
Economic Geography.....	41	23	4	8	76
Commercial Law.....	34	17	10	13	74
Commercial Arithmetic.....	8	8	3	9	28
Office Practice.....	2	4	2	9	17
Business Writing.....	2	3	2	6	13
Junior Business Training...	5	5	1	1	12
Business English.....	2	2		7	11
Salesmanship.....	2	2	3		7
Modern Business.....	3	1	1		5
Business Forms.....		1		1	2
Advanced Bookkeeping.....				2	2
Advertising.....		1	1		2
Spelling.....		1			1
(Other courses scattered and so not included)					

\*Size of schools in each group: A, 1-249; B, 250-499; C, 500-999; D, 1000 and up  
 Number of schools in each group: A-99, B-37, C-11, D-17;  
 Total-164.

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(1) F. J. Weersing, Reorganization of Commercial Education in Public High Schools, p. 11.



(1) F. J. Westering, Reorganization of Commercial Education  
in Public High Schools, p. 11.

Number of schools in each group: A-93, B-37, C-11, D-14;  
C, 500-999; D, 1000 and up  
\*Size of schools in each group: A, 1-249; B, 250-499; C,  
500-999; D, 1000 and up  
Total-184.

(Other courses scattered and so not included)

Subjects:	A	B	C	D	Total
Spelling.....	1	1			2
Advertising.....	1	1			2
Advanced Bookkeeping.....		1	1		2
Business Forms.....		1		1	2
Modern Business.....	3	1	1		5
Salesmanship.....	2	2	2		6
Business English.....	2	2		7	11
Junior Business Training...	5	5	1		11
Business Writing.....	3	3		1	12
Office Practices.....	3	4	2	3	12
Commercial Arithmetic.....	6	6	3	3	18
Commercial Law.....	34	17	10	13	74
Economic Geography.....	41	23	4	8	76
Bookkeeping II.....	13	8	8	12	39
Bookkeeping I.....	23	36	10	16	85
Short-hand II.....	81	36	11	16	144
Short-hand I.....	37	37	11	17	182
Typewriting II.....	32	32	11	17	142
Typewriting I.....	39	37	11	17	184

Number of High Schools, Grouped According to Size,  
Which Offer the Subjects Indicated

reporting offered commercial law.(1)

subjects. It will be noticed that 43% of the 184 schools  
schools in Minnesota offering the various commercial

The following table shows the number of high

law were offered in the same school.

As a general rule both economic geography and commercial

As a measure of the relative weight attached to each subject, the number and percentage of boys and girls enrolled in each subject was summarized. Again commercial law was relatively unimportant, and particularly so for the girls.

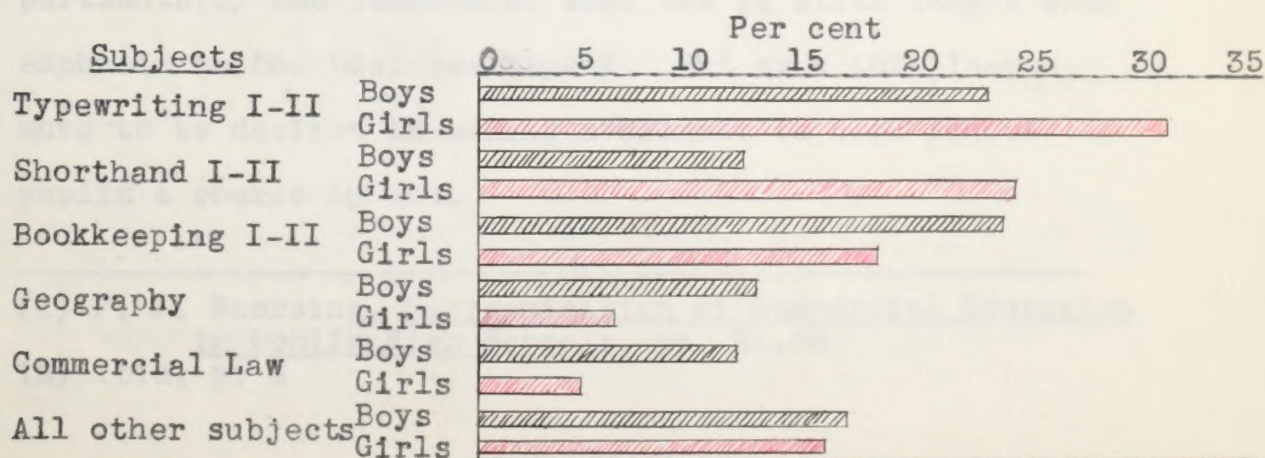
(1)

Proportion of Total Enrollments in Commercial Work  
Occurring in Certain Specified Subjects

<u>Subjects</u>	<u>Boys' Enrollment</u>	<u>% of Total</u>	<u>Girls' Enrollment</u>	<u>% of Total</u>
Typewriting I and II	2,526	22.7%	8,674	30.4%
Shorthand I and II	1,359	12.2	6,985	24.5
Elementary and Advanced Bookkeeping	2,613	23.5	5,092	17.9
Total in above subjects	6,498	58.4	20,751	72.8
Economic Geography	1,401	12.7	1,859	6.5
Commercial Law	1,300	11.7	1,293	4.6
Total in five subjects	9,199	82.8	23,903	83.9
Total in all other subjects	1,918	17.2	4,548	16.0
Grand Total enrollments in all commercial subjects	11,117	100.0	28,451	99.9

(2)

Percentages of Total Enrollments in Commercial Work  
Occurring in Specified Subjects







Dr. Weersing summarizes the statistics regarding commercial law as follows.

"Commercial law was taught in 74 high schools in Minnesota during 1926-27 enrolling a total of 2,593 pupils in this subject. Pupils in commercial law are very evenly divided as to sex, practically 50 per cent being boys and 50 per cent girls. This is true of almost no other subject in the commercial curriculum. About as many boys take commercial law as take shorthand, but only half as many as take typewriting or bookkeeping. The number of girls who take commercial law varies from one-fourth to one-sixth of those who take typewriting, shorthand, or bookkeeping. These comparisons indicate that commercial law is not a very popular subject with girls. The total enrollment by grades indicates that commercial law is largely an eleventh and twelfth grade subject although a considerable number of tenth grade pupils take it."(1)

The minority of schools offering a course in law is still more evident when one considers that there were 444 high schools in the State of Minnesota, of which 256 were classified as accredited four-year high schools. The percentage is not quite so small, however, when it is noted that only 198 of these schools had commercial departments(2) and remembered that law is still taught with emphasis on the business aspect. But even this leaves much to be desired in making available to high school pupils a course in law.

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(1) F. J. Weersing, Reorganization of Commercial Education in Public High Schools, pp. 51, 52

(2) Ibid, p. 8





In an attempt to secure more definite and up-to-date information many recent surveys in the field of education were studied. Only two surveys mentioned commercial or business law, however. A study of commercial education in North Dakota showed that of 87 schools reporting in answer to a questionnaire, 56 offered a course in law.<sup>(1)</sup> A similar study for the State of New Mexico, however, showed that out of 54 schools only 6 offered a law course.<sup>(2)</sup> No data was available as to the status of the course in the high schools of Massachusetts.

Since these facts did not justify the drawing of any conclusion as to the extent to which law is being taught in public high schools today, the author attempted to make a survey of the field. A questionnaire was sent to every state department of education outside of Massachusetts, covering the other forty-seven states of the Union, in an attempt to learn the number and proportion of high schools in each state which offer law and the number and percentage of eligible pupils who took the course during the school year 1932-33. A second questionnaire was sent to each high school principal in the State

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- (1) C. Kunze, Survey of Commercial Subjects in High Schools of North Dakota, Balance Sheet, December, 1932, p. 163
- (2) New Mexico Commercial Survey, H. P. Reid, Balance Sheet, January, 1932, p. 178





of Massachusetts in an attempt to secure the same information.

The replies to the questionnaire to state departments of education were so meagre, however, that the information secured was of little value. From the forty-seven questionnaires sent out thirty-two replies were received, twenty-one of which gave no data and four were incomplete or gave figures for a previous year and had to be discarded.

The small percentage of schools offering a law course and the small percentage of pupils taking it in schools where it is offered, as shown by the figures received from the following states, may perhaps be taken as an indication of the relative unimportance still attached to the law course in high schools throughout the country.

State	Number of High Schools in State	Number Offering Law	Number of Commercial Teachers	Number of Law Teachers	High School Population in 12th Year	Law Enrollment in 12th Year
California	485	--	1,295	109	51,145	4,766
Maine	246	44	182	---	---	---
Mississippi	586	14	176	14	9,243	137
New Jersey	235	138	933	150	26,994	4,597
New York	926	330	---	---	---	12,766
Washington	305	118	---	118	---	4,879
West Virginia	242	31	193	40	---	941

(2) Information obtained from state reports to state departments of education.





That the course in business law is not entirely disregarded in other states, however, is shown by the fact that it is recommended for inclusion in the high school program by thirty-three state boards of education in the United States.(1) While two states reported that, so far as the state department of education knew, law was not offered in any high school in the state, undoubtedly the majority of the fifteen states not heard from do recommend such a course.

In most states the local boards of education are given authority to decide what courses shall be offered and it would be necessary to make a survey of every high school in each state to secure a true picture of the status of any course. This would, of course, be impossible for a work of the scope of this paper.

To the 251 questionnaires sent to principals of high schools in Massachusetts 206 answers were received. Of the 206 schools reporting, 117, or 57% offered a course in law and 89, or 43%, answered in the negative. Of the 117 schools offering law, 77, or 66%, required it in the commercial curriculum. It was an elective in the commercial curricula of the other 40 schools. In no school was

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(1) Information secured from state courses of study and letters from state departments of education.





it required in any curriculum other than the commercial curriculum. 73 schools stated definitely that law was offered as an elective in other curricula, though seldom taken by pupils in the college curriculum.

This does not mean, however, that college curriculum pupils are generally barred from the law course. Although not specifically mentioned, any course in the high school curriculum is generally open as an elective to any high school pupil. In the case of law, it should not be closed to any pupil as it is now generally accepted for college entrance.

Franklin C. Sewell points out that "in a nationwide survey of college entrance credits in commercial subjects, the Bureau of Education found that 214 colleges and universities out of 480 definitely stated that Business Law was acceptable in amounts varying from one-half unit to two and one-half units. Commercial subjects were permissible for entrance credit in 95 other colleges, provided they did not exceed a stated number of units. Hence, Business Law could be used for college entrance in nearly two-thirds (63.5%) of the colleges and universities."(1)

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(1) F. C. Sewell, An Analysis of the Textbooks Used in the Teaching of the Law in the Secondary Schools of the State of California, p. 23





The reasons given by the 89 schools in Massachusetts reporting that a course in law was not offered may be classified as follows.

<u>Reason</u>	<u>No. of Schools Reporting</u>
No particular reason for omission	27
Too small a school to warrant expense	7
Lack of teachers	15
No room in school program	6
Not required for college preparatory	3
No commercial department	5
Not considered of sufficient value	14
No demand for it, so never considered	4
Poorly taught	2
Not fitted for 10th grade and no room elsewhere	1
Not enough pupils of scholastic ability in junior and senior years to succeed in course	1
Incorporated in other courses	3
Reason not given	1
Total schools reporting	<u>89</u>

Two of the above schools reported that a law course was to be incorporated in their program in 1934-35. Three principals stated voluntarily that they felt that such a course should be offered and hoped it would be possible to inaugurate a course in law in their schools in the near future. To quote one principal, "Frankly, I believe that a course in Law is much more beneficial than a course in mathematics or a foreign language, but we have not yet reached the ideal curriculum."





Quite in contrast to this are the comments received from three schools where it apparently is felt that a course in law is not worth while. "Faculty is not sufficiently large to permit of such enrichment of curriculum." "No teaching time available. Employers do not look to high school graduates for legal advice." "I have never seen a law class or law teacher in high school who 'knew what it was all about'. Law teachers have told me it was a waste of time." These comments lead one to believe that the school administrators in those towns look upon the subject of law as a very narrow, specialized one rather than the broad, general course that it should be.

The principal reporting that there were not enough pupils of scholastic ability in school in the junior and senior years to succeed in the course gave as an explanation, "Our classes seem to fluctuate some in ability -- enough so that out of an average senior class of twenty pupils five or six law pupils could be found some years and perhaps a dozen other years. We have tried the state correspondence course (University Extension) on several years and its success or non-success has seemed to depend on the ability of the pupils and





teacher. It has seemed inadvisable to continue for this reason. The subject matter seems to me worthwhile and it is the only new course out of several which has not been successful. Perhaps there are textbooks and teachers who could put this course over with any high school group; but we have not hit upon the combination yet."

Undoubtedly the reason for the failure of the law course in this school was due to poor teaching as was the case in another school where the course had been dropped because of its questionable value due to poor teaching. "It is of questionable value in most high schools because of lack of sufficient preliminary experience in business law and because few teachers can master the art of motivation sufficiently to make it anything but a drill subject, to learn facts which quite often are not related to actual business life -- this latter point due to the lack of law foundation in business on the part of the teacher. I do not believe that a teacher can teach business law successfully because she has had a course in it in college. A series of courses in law and business law is desirable and actual business experience in this aspect of business is highly desirable."





Mr. Sewell included in his summary of the status of the high school law course(1) a table taken from the 1922 Biennial Survey of Education, issued by the Department of Education at Washington, which showed that the 20,620 pupils enrolled in Business Law represented only 1.7% of the total commercial enrollment and only 0.9% of the total high school enrollment. While it was impossible to secure data accurate and complete enough for comparison with these figures, the author included in the questionnaire to high school principals a section for data pertaining to enrollments.

A comparison of the enrollments in law courses in those schools offering law only in the senior year of high school with the total commercial enrollments in the senior year and the total high school population of the senior classes in the same schools points to the conclusion that there must have been a great improvement since 1922 in the percentage of pupils taking law in the high school. Fifty-five schools reported adequate figures for comparison of total enrollments in law courses with the total high school population of the twelfth grade. Of 12,323 pupils enrolled in the senior classes of these

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(1) F. C. Sewell, "An Analysis of the Textbooks Used in the Teaching of the Law in the Secondary Schools of the State of California," p. 24





fifty-five schools, 3,747, or 30.4%, took the course in law. Forty schools reported adequate information for comparison of the total number of pupils enrolled in the law course with the total number of pupils enrolled primarily in the commercial curriculum. The 2,188 pupils who studied law in these forty schools represented 65% of the pupils, 3,367, enrolled primarily in the commercial curriculum.

Of the 7,539 pupils enrolled in law courses in the high schools of Massachusetts, as reported by the 206 schools from which replies to the questionnaire were received, only 540, or 7.2%, were enrolled primarily in some curriculum other than the commercial curriculum.

Surely no other figures are needed to prove that educators have not taken advantage of the great educational values which may be derived from a course in law rightly administered and properly taught.

judgment and do not have the necessary background to enable them to fully appreciate the course as it is now taught. (2)

- (1) State Department of Education, Washington, D.C., 1918.  
 (2) Bureau of Education, Washington, D.C., 1918.  
 (3) Bureau of Education, Washington, D.C., 1918.





## CHAPTER IV

### ITS PLACE IN THE CURRICULUM

"Laws are not made like nets - to catch,  
But like sea-marks - to guide."

---Sir Philip Sidney

#### Grade in Which Offered

The Washington State Syllabus suggests that business law should be offered in the sophomore year of the high school program rather than later in the course in order that a much larger number of pupils may be reached and helped. It is estimated that twice as many pupils would take business law in the sophomore year than if its study is confined to the senior year.(1)

While it would be ideal to so arrange the law course and its content that it might be taught to the larger number of pupils in the early years of high school, freshman and sophomore pupils do not possess maturity of judgment and do not have the necessary background to enable them to fully appreciate the course as it is now taught.(2)

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- (1) State Department of Education, Washington, Junior and Senior High School Commercial Education, p. 27.  
(2) Course of Study, State of Oregon, p. 12





It is, in fact, generally agreed today that law should be taught in the junior or senior year, and preferably in the senior year, of high school. Pupils in these years seem to possess the necessary breadth of experience and the maturity of judgment essential to a successful understanding of the subject. They may also draw upon the information acquired during their earlier training in history, civics, arithmetic, economics, bookkeeping, etc. Without such a foundation the present business law course cannot be effectively presented so that the pupils will derive the greatest benefit from it.(1)

That the course in law should be offered preferably in the twelfth year is borne out by the fact that, of the 117 schools answering the question as to the grade in which the course was offered, a great majority offered it in the twelfth year.

<u>No. of Schools</u>	<u>Percentage</u>	<u>Grade in Which Offered</u>
72	61.5%	12
17	14.6	11
21	18.0	11 or 12
3	2.5	10
4	3.4	10 or 11

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(1) Kitson, Commercial Education in Secondary Schools,  
p. 130





It will be noted that only a small minority apparently agree with the Washington State Board of Education that law should be offered in the sophomore year, or tenth grade.

### In What Program of Study?

There is controversy as to whether the law course should be a required course or purely an elective; also whether it should be open only to commercial pupils or open to all pupils. Perhaps the best answer to the former is that the course should be a popular elective rather than a required, and so possibly a disliked, subject. It is generally recommended that it be required of all pupils who are pursuing a commercial curriculum, and that it be offered as an elective to other pupils.

As noted on page 33, of the 117 high schools in Massachusetts offering a course in law, 77, or 66%, of the schools required it in the commercial curriculum; it was an elective in the commercial curriculum in the other forty schools; and an elective in other curricula of all the schools.

It seems, however, that whether required or elective for all pupils, or whether required for commercial pupils and elective for all others, the course should carry





the caption of law rather than commercial or business law. Far more law should be known to the high school pupil than that which comes strictly under the heading of business law. Furthermore, the word "business" and still more the word "commercial" still carries with it a stigma, whether one wishes to acknowledge it or not. Then too, the high school pupil is not studying primarily business; he is studying law, and if it must be tied up with business, should it not be said that he is studying law applicable to business, rather than business law?

Why then, when the study is not confined to a commercial field, attach to it a title which may detract from its value and appeal, and even limit its study to a particular group of pupils? Generally the law course is open only to commercial pupils -- perhaps the result of the word "commercial" -- because there is a tendency in schools to discourage other pupils from electing the course. This the author believes is a mistake and arrangements should be made whereby other pupils could enter the course. Teachers of law might help along this line by holding round table conferences in their law classes and throwing them open to all pupils who have study periods and wish to attend. The teacher, by arousing the enthusiasm and interest





not only of her own class but also of other pupils in the schools, might do much to increase the popularity of the law course.

As the Idaho State Board of Education comments: "The subject of Commercial Law is rich in valuable training for citizenship. Registration in the course, therefore, should not be confined to pupils majoring in commerce; this latter group should be cared for first, of course, and given every encouragement to take the work. Dealing as the course properly does with fundamental rights in the many relations in business affairs, its very great social nature will at once be seen."(1)

The Maine Board of Education, however, contends that "the practice of allowing students who have had no preliminary training in commercial work and have no immediate intention of entering business to elect the Commercial Law course solely for the purpose of securing points toward graduation should be looked upon with disfavor."(2) This seems to be a very narrow viewpoint to assume, however, for while a small proportion of the student body might elect the business law course for this purpose, they

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(1) State of Idaho, Bulletin of Vocational Education, p. 93

(2) State of Maine, Commercial Syllabus, p. 14.





would undoubtedly secure much more benefit from it than from many courses they might elect. Certainly the law course would never be elected because it was a "cinch" course. Perhaps the above attitude explains in part why the law course is so rapidly disappearing from the curricula of Maine high schools.

This, however, does not seem to be the attitude of the majority of states. In fact, they appear to agree more or less with the Montana State Board of Education which points out very clearly in its Course of Study that the law course is not for the commercial pupil alone, but rather should be open to all pupils because of its very nature.(1)

"Commercial Law should not be considered as belonging to the Commercial Course alone. It is unquestionably largely social in its nature; it is, in reality, a group of social customs. It is the outgrowth of relationships between men that have stood the test of ages and have finally received the stamp of government approval by being made into written statutes. These statutes have been found to be the most satisfactory methods of securing mutual justice in commercial relations. Knowledge of these methods should make pupils better social beings.

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(1) State of Montana, Course of Study, High School Commercial Subjects, p. 559.





"A complete commercial course should contain Commercial Law. This is the commercial age. Every person in the commercial field has occasion to meet with legal forms, papers and legal terminology, and must carry on discourse regarding simple legal facts at some time during his business relations. The course should therefore be broad enough to include all that body of law that the business or professional man or woman will meet with on the street, in the office, or in the home. Not only the person in the business field but every man or woman is surrounded by conditions that have as their basis commercial transactions."

### Length of Course

Most schools devote one-half year to the study of law, the class meeting generally five periods a week. In a number of schools this is extended to a full year, with the class meeting from one to five periods a week, the average class, however, meeting three times a week. Such is the conclusion to be drawn from the following tabulation made from the answers received to the questionnaire sent to high school principals in Massachusetts.

#### Half-year Course

Five periods per week	62 schools (54%)	
Four periods per week	11 schools (10%)	
Three periods per week	1 school (1%)	
Total		74 schools (64.4)

#### Full-year Course

Five periods per week	9 schools (7.8%)	
Four periods per week	4 schools (3.5%)	
Three periods per week	19 schools (16.0%)	
Two and one-half periods	2 schools (1.7%)	
Two periods per week	5 schools (4.3%)	
One period per week	2 schools (1.7%)	
Total		41 schools (35.6)
Total number reporting		<u>115</u>





Lyons points out: "Of 116 schools reporting on the length of the course, 87 schools, or 75%, offer a course one-half year in length. 29 schools, or 25%, offer a course one year in length." (1) It will be noted that in Massachusetts this year 64.4% of the schools offered a course a half-year in length and 35.6% a course a full year in length. These figures show an appreciable increase in the number of schools now offering a full-year course in law.

It is evident that in a half year, even with five periods a week averaging 45 minutes, a half year being say 18 weeks, a teacher cannot cover in 90 periods of 45 minutes enough law to be of great benefit to the individual. If any number of topics are covered, then at best they can be touched upon only lightly. In such a course it would be far wiser to cover only a few topics and teach them adequately, study those subjects that are of most appeal and best meet the needs of the particular class.

The plentitude of material that is pertinent to the complete education of the boy and girl of today is worthy of a full year being devoted to it, with the class

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(1) L. S. Lyon, Education for Business, pp. 371, 372.





meeting four or five periods a week. Dr. Joseph Kahn, a former business law instructor and now a practicing lawyer, states that a year is absolutely necessary for the proper and adequate teaching of law in the high school.(1)

### Recommendation and Conclusion

The place of the law course, as of any course, is affected somewhat by the community in which the school is located, although this has more effect on the content of the course than on the year in which it is offered. Carlos C. Crawford, in writing on Commercial Education in Rural Communities, states: "One semester of commercial organization followed by one semester of commercial law in the twelfth grade will prove more valuable to the average pupil than one year of shorthand or one year of book-keeping, which is usually taught."(2)

The conclusion may be drawn, it would seem, that be it a city or a rural school there is a place therein for the study of law in the last years of the curriculum, preferably the twelfth. It should be a year course meeting at least three periods a week, and preferably five, and should be open to all pupils, required in all business courses and elective in all others.

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(1) B. B. Cobb, The Wide Field of Commercial Law, The Balance Sheet, November, 1929, p. 66

(2) C. C. Crawford, Commercial Education in Rural Communities, Journal of Business Education, May, 1932, p. 332





## CHAPTER V

### VALUE OF THE STUDY OF LAW

"Obedience to law is liberty."

The questions as to whether a subject should be offered on the secondary school level -- or on any level, for that matter -- and what its aims and objectives shall be must be answered in terms of values and desirable outcomes.(1) Every subject offered should be justified on the basis of definite values -- on the basis of the contribution it may make to the social purposes of the curriculum of the American High School. "A curriculum is not just a lot of subjects thrown together in some fashion -- it is a combination of separate elements organized according to a definite plan intended to achieve a definite educational objective."(2)

The purpose of all teaching is to realize the major objectives of education -- the Seven Cardinal Principles of Education:(3)

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(1) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, Balance Sheet, February, 1932, p. 209.

(2) Ibid, p. 209.

(3) Formulated in 1918 by the Commission on the Reorganization of Secondary School Education.





Health  
 Command of Fundamental Processes  
 Worthy Home Membership  
 Citizenship  
 Vocational Efficiency  
 Worthy Use of Leisure  
 Ethical Character

A subject that serves any one of these seven major objectives of education should be included in the high school curriculum and the degree of its importance should rest upon the number of these objectives that that subject can attain. The study of law contributes to three, if not more, of these cardinal principles -- citizenship, ethical character, and vocational efficiency.(1) Yes, also home membership. Can it, therefore, be questioned that any subject is justified which contributes to nearly half of the major objectives of education?

Surely such a subject has definite educational value, and since education is for the good of society as a whole, it must have definite social values. This is opposed to the general theory that law -- commercial law as it is called -- has primarily a vocational value -- a belief which has resulted from its being included in the commercial curriculum where until recently more or less definite or specific training for fairly definite business

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(1) P. Gabriel, Should Commercial Law Be Taught in High School?, Balance Sheet, May, 1931, p. 316





occupations has been given. The study of law was introduced through the commercial program simply because it was the easiest way of getting it into the school program. Furthermore, the commercial program of the high school has been built largely on imitation of the private business school program and that program included a course in commercial law.

A study of the material covered in the high school law courses reveals the fact that the study of law has no direct vocational value, in the sense that book-keeping or stenography may have such value by preparing certain pupils for a particular occupation. It has values, however, that will be retained and will function long after the pupil has lost from his immediate skills the technical training he received. Thus these values, because they will be retained and will function far longer in the life of the pupil, become far more important than any vocational values derived from the course -- vocational values which are only indirect and apply to the man of leisure as well as to the man in business.

H. I. Good, of the Hutchinson High School, Buffalo, New York, likens this matter of values to the oft-repeated answer to the question, What is the value





of a college education? The value must be found in the things one has left after he has forgotten all that he has learned." (1) He goes on to state that in the teaching of commercial law "some of these values will consist of a better attitude toward law and law enforcement, an awareness of a business problem, greater care in the signing of business papers, guarding against the influence of unscrupulous legal advice, and a knowledge that law is not a device to mete out revenge, but a device for mutual benefit and protection." (2)

It has been said, "Manhood, not scholarship, is the first aim of education". As one reads the many aims and objectives claimed for the high school law course, one is inclined to believe that this course plays or should play an important part in the realization of this "first aim of education". That the study of law has both educational and vocational values, though the latter are indirect, is borne out by the statement of the South Dakota Board of Education; "Its major function is to produce better citizens through increasing insight into business life and at the same time bettering a student's preparation for the commercial field." (3)

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(1) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, The Balance Sheet, February, 1932, p. 210.

(2) Ibid, p. 210.

(3) State of South Dakota, Commercial Course of Study for Secondary Schools, p. 136.





The values to be derived from the study of law may be classified under three broad headings: social or cultural values, utilitarian or vocational values, and disciplinary values. It would be impossible to state or classify the material covered in the law course under these headings as the same material may, and in most cases does, contribute to more than one and perhaps all of these values.

### Social or Cultural Values

The social or cultural value of law, or social-civic-cultural value as it is sometimes called, is not to be questioned. While the course in civics partially supplies the need for education for citizenship, by giving a knowledge of the history and development of our social institutions, it does not go into the work of the courts which have been instrumental in establishing this great body of law, the study of the problems they have met, and how they have attempted to work them out, the meaning of precedent, the value of establishing a general rule which will also work out substantial justice.(1)

Nor does the course in civics go into the rights and duties of individuals in society and the laws governing

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(1) Kahn and Klein, Principles and Methods in Commercial Education, pp. 304,305





their actions. The course in law fills the gaps which are left by the civics course -- furnishes additional information about the meaning of social institutions and social relationships and duties of the individual to the state and to other individuals, all of which are of infinite importance to the future citizen and intelligent voter.

Furthermore, as pointed out in Kahn and Klein, "The study of law gives us not only a better view of the growth of our institutions, but it also gives us a better understanding of many of the established forms of commercial life. No student can understand such subjects as the evolution of corporations or the development of the use of negotiable instruments, without an understanding of the growth of the law on these subjects. The study of commercial law will, therefore, throw interesting light upon the growth of commercial institutions and instrumentalities. Just as history throws light upon law, so, conversely, the study of law will throw light upon industrial history."(1)

Thus, through an understanding of and respect for the laws of the land, the law course strives to

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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 305





improve the attitude and conduct of the pupil in his human relationships and thus contributes to one of the important aims of all education -- education for citizenship.

That the most has not been made of this opportunity to produce better citizens through the teaching of law is evidenced by Mr. Good's conclusions as to the social possibilities in law instruction and the schools' failure to emphasize it.

"Any subject which will give a student a broader view of life and an understanding or appreciation of business and social relationships has a very high cultural value. From this point of view, commercial law might well occupy a place of importance if the instructor is aware of these possibilities and presents the subject in the proper way.

"Society is becoming more and more complex. The need for social and business cooperation is more and more essential. Our economic structure is one great cooperative plan. One industry cannot long remain successful without reflecting this success in other related lines nor can it long remain unsuccessful without drawing others along with it. An understanding of some of these features of business life is well illustrated in certain topics in commercial law. The application of the principles of contracts is interwoven into the organization and operation of our modern economic society. This society is engaged in the production of wealth to be exchanged for other types of wealth. These exchanges bring into existence the formation and operation of contract rights and obligations.





"There are many other topics which illustrate our economic society at work, such as, agency, insurance, and negotiable instruments. In fact, nearly all topics may be tied up with the business world from the social point of view. It is my observation, however, that the subject has not been presented in this way nor has it received the emphasis it should receive in the public high school to aid in fulfilling the social objective of the school."  
(1)

### Utilitarian or Vocational Values

The study of law can hardly be said to have any direct vocational value because it is in no measure the purpose of such a course to make lawyers of the pupils. It has, however, certain indirect vocational values -- more rightly termed "practical or utilitarian values" -- which result from the learning of specific rules and principles of law which the pupil may use and apply in many simple transactions in his daily life. The law teacher should, however, guard against giving the pupil the impression that he will acquire enough knowledge to solve legal problems and dispense with the services of a lawyer. "He who has himself for a lawyer has a fool for a client."

A greater vocational value lies in the training which enables an individual to recognize when he has

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(1) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, The Balance Sheet, February, 1932, pp. 210, 211.





a legal problem and should consult a lawyer, thus enabling him many times to avoid litigation.

"If those who contemplate going to court with their troubles -- to secure the recovery of moneys, to obtain damages for one thing or another, or to seek a legal redress for their wrongs -- would more carefully consider the probable outcome and the possible costs there would be far less grist to grind in the mills of the courts. Likewise there would be fewer defeats in the victories won." (1)

Everett Spring - in Nation's Business

What truth lies back of the old adage, "An ounce of prevention is worth a pound of cure!"

Even more forcefully is this truth brought home by the very strong statements in this connection made by Lewis Tyree, Professor of Business Law at the New Jersey Law School.

"It seems to me that in teaching law in high school there is another opportunity for the teacher. An opportunity to do some real missionary work. There is a chance to do a bit of educational work in a very large sense. The legal profession and its proper function to society is far from being properly understood by the ordinary American. I refer to the preventive feature of law. The lawyer has been the butt of too many jokes for too many years. Traditions die hard. But the lawyer is after all a useful member of society -- strange

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(1) D. C. Power, A Little Law Is Enough, Journal of Business Education, October, 1929, p. 15.





as it may sound. He serves a real purpose. I refer to him now not as an adviser in time of trouble, though here his calling is equally noble. I refer to him as a source of advice before trouble comes. As a preventor of litigation. Few people are willing to consult a lawyer before a lawsuit threatens.

"But there is a real opportunity. To train the youth as a part of intelligent and rational conduct to consult a lawyer in advance of difficulties. To consult him after difficulties arise is instinctive; to seek him out in advance of difficulties to forestall and prevent -- only the wise of us do that. And yet there is nothing new in all of this. The American Bar Association has for years been emphasizing the preventive feature of the practice of law -- particularly in the field of commercial law -- and to insure the full success of the bar in this effort a degree of cooperation is necessary from the prospective client. Yet few people think of a lawyer thus -- most people -- only as a last resort when difficulties arise.

"Bar associations deserve support in their broadcasting of this particular question of law to society. It is high time that more publicity be given the dignity of the practice of law. The profession should not lose public esteem because some of the profession degrade it by their activities in ambulance chasing and other unscrupulous methods. Thousands of high standing practitioners are ready to cooperate with a business in a new project, to the few that get unsavory notoriety in the public eye. This other side of the law deserves more emphasis. This idea of prevention of litigation should reach every American home and there would seem no better way of so doing than by relaying it to them through their sons and daughters. To paraphrase a famous dental slogan: "Consult your dentist twice every year", I might say consult your lawyer before signing any deed, contract, settlement of any importance.





"This is said in all sincerity. Don't think I am drumming up business for the legal profession. I am not. For the lawyer profits more from litigation that develops when the client gets himself into trouble than from the fee -- often nominal -- for advising a client how to stay out of the trouble and to avoid litigation."  
(1)

The study of law provides a very valuable fund of workable information for the future business man -- his rights and duties and a clearer understanding of legal relationships which again will often enable him to avoid litigation. No really successful business man lacks a working knowledge of business law, for while for his more important contracts he will consult his lawyer, there are numerous occasions in which he does not have the lawyer at his beck and call, in which he must act quickly, and in which therefore his knowledge of law will be of the greatest help.(2) And everyone, whether directly engaged in business or not, is constantly confronted with problems in the solution of which a knowledge of business law would be of great value.(3)

Of particular value to the accountant as a foundation for the advanced training he will need in law,

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- (1) L. Tyree, Commercial Law in the High Schools, New Jersey State High School Conference, 1931, p. 142
  - (2) Kahn and Klein, Principles and Methods in Commercial Education, p. 303
  - (3) W. G. Ballentine, Commercial Law, The Balance Sheet, December, 1925, p. 9





the law course has value even for the stenographer, book-keeper, or clerical worker. There is a practical value in the study of law which is definitely related to their work -- a familiarity with fundamental principles of law, with legal forms and transactions, which may carry with it a pecuniary value -- may be the stepping stone to an increased envelope for the job higher up. Every teacher of law will recall the case involving the Maryland Fire Insurance Company in which, had the stenographer known enough law to have written, "Upon receipt of your check your premises will be covered", she would have saved her concern many thousands of dollars and undoubtedly reaped a substantial financial return herself.(1)

For the future lawyer the high school law course should, of course, serve as a foundation for the later study of law. It may be contended that since it is not the function of the high school of today to train for a particular line of activity, such work will only be repeated in the business college or university. This repetition, however, will not be merely "traveling over the same ground, but a spiral repetition. The point of view will be broader, and the work at the same time will be more intensive.

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, 1931, p. 107





A good foundation laid in the secondary school will be of immense help in the more advanced study of the same subject in the higher school of commerce."(1)

But how many of our high school pupils are going on to college, even to business college? And yet, how many will find their greatest need for a knowledge of their rights and duties outside of the occupation by which they earn a livelihood -- in their home, community and social relationships? Too much emphasis cannot be placed on the importance of developing in the youth of the country "that intangible quality of making the student alert, ready, observant, or aware of situations which might involve legal difficulties -- the ability to consider the facts of given problems or situations, and the ability to recognize the elements of risk and danger, or rights that must be protected."(2)

### Disciplinary Value

From the point of view of disciplinary values, the mental training which the study of law provides is one of its major values to the pupil, claims Mr. Good.(3) He further claims, quite contrary to the belief of many that the mastery of a mass of rules and principles is the

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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 304

(2) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, The Balance Sheet, February, 1932, p. 210

(3) Ibid, p. 210





primary purpose of teaching law, that the aim of the instruction should be to develop the power of reasoning and logical thinking, and also to develop the pupil's judgment and imagination.

In the discussion of problems and cases the pupil must consider the conditions carefully, weigh them and arrange them in order before a principle can be applied. Another authority on commercial education claims that this procedure cannot help but aid in the development of an analytical mind with the ability to sort and weigh facts, apply the correct principle and make correct decisions.(1)

Today, however, the theories of mental discipline and transfer of training which were once given so much weight in deciding the importance of a subject in the school curriculum have been practically discarded. These theories are now considered only insofar as the study of a subject develops the powers of reasoning and logical thinking in the application of that particular subject to daily life.

Thus, the study of law offers far greater mental training which may be applied to daily life because law, dealing as it does with all phases of everyday life, offers the future citizen an opportunity to secure knowledge

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(1) Miller, Methods in Commercial Teaching, p. 125





and training which should aid him in making decisions regarding many problems which arise in his daily life and involve some legal problem, be it only a matter of deciding whether a practice is right or wrong in the eyes of the law. Such studies as geometry, higher mathematics, and Latin, which once had first claim on the power of mental development, while they are of value to a small proportion of the population in their life's work, cannot be said to have as great value as a subject such as law which is so closely related to the daily living of every human being.

Recently Albert E. Wiggin, in his column, "Let's Explore Your Mind" in the Boston Globe, asked and answered this question, Is it true that knowledge is always power? His answer was:

"No. It may be either utterly futile or else a source of weakness. For example, what possible power can it give to the average school boy or girl in this age to learn geometry or algebra or French or Latin or Greek? All modern psychology believes no knowledge becomes power unless it is woven, by actual use, into an organic connection with our daily lives. Should an individual need these subjects later he can quickly acquire them." (1)

It cannot be denied that law is fundamentally connected with daily living and, therefore, the training and knowledge derived from its study may be woven closely into one's daily life.

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(1) A. E. Wiggam, Let's Explore Your Mind, Boston Daily Globe, Saturday, March 3, 1934.





### Other Values

Aside from its social, vocational, and disciplinary values the law course has certain other educational values. It has an important correlative value through its correlation with work in both the junior and senior high schools. Since Chapter VIII is devoted to the correlation of the law course with other courses in the high school curriculum, this matter will not be discussed at this point.

The miscellaneous educational values may be summarized very briefly. The study of law adds to the academic education of the pupil, it is in no way a skill subject. It offers a challenge to teachers to develop their technique and place the subject on a par with the traditional academic subjects.(1) And it brings forcefully to the attention of the pupil the fact that our present civilization is dependent upon our past civilization. It reveals the dependence of the present upon the past by showing the development of the present-day law from the early sources of law -- the customs of the race.

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(1) W. G. Ballentine, Commercial Law, The Balance Sheet, December, 1925, p. 9.





### In Summary

P. Gabriel of Grantwood, New Jersey, sums up<sup>(1)</sup> the values to be derived from the study of law as follows.

A. It teaches the pupil:

1. The fundamentals of the law of the land in which he is born, lives, and dies.
2. The respect for law and order.
3. His rights, duties and obligations.
4. Caution and self-restraint.
5. Business and legal practices.

B. It develops in him:

1. Logical thinking.
2. Self-confidence.
3. Self-expression.
4. Efficiency.

C. It affords him:

1. An opportunity of developing recognition of legal and ethical right doing.
2. A professional try-out.

D. It will make him:

1. A better citizen.
2. More interested in civic life.

E. It will reduce litigation.

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(1) P. Gabriel, Should Commercial Law Be Taught in High School?, The Balance Sheet, May, 1931, p. 316





## CHAPTER VI

### AIMS AND OBJECTIVES OF THE LAW COURSE

"The precepts of the law are these; to live correctly, to do an injury to none, and to render every man his own."

---Buckingham

It is difficult to summarize the aims and objectives of the law course without repeating much of what has already been said regarding the values to be derived from the study of law. Then again, there is much confusion as to just what is meant by general aims and specific aims. Many aims claimed by one writer to be specific aims are called general aims by another. Likewise, it is difficult to differentiate between so-called aims of the course and its so-called objectives. Aims, however, generally refer to the ultimate goals to be reached by means of the teaching process, while objectives are the means by which these ultimate goals are reached.

Wm. P. Rediker, in his chapter on the teaching of law in Kitson's book on Commercial Education, differentiates between the aim of the law course and its detailed objectives as follows. It will be noticed, however, that he tends to emphasize the business aspect of the





course. This summary must, therefore, be read with the thought in mind of business in its broad sense, as applying to every individual rather than only the man or woman directly engaged in the conduct of business, business in this sense being defined as "that which occupies the time, attention, and labor of men for the purpose of a livelihood of profit."(1)

According to Mr. Rediker, "The aim of the course in business law is rather to help the student to become a more capable business man, and in so far as it accomplishes this result it contributes to the promotion of the primary objective of all education, the development of qualities of character and good citizenship."<sup>(2)</sup> He then states eleven detailed objectives of a course in business law.(3)

1. To present a certain minimum of facts and principles governing business relations and to acquaint the pupil with the use and purpose of forms common to commercial life.
2. To apply these facts and principles to simple business transactions.
3. To indicate the place of law and legal institutions in economic organization: the spirit and need of law, the absorption of the law merchant and old customs

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(1) People vs. Com'rs. of Taxes, 23 N.Y., 242-244.

(2) Kitson, Commercial Education in Secondary Schools, p. 131.

(3) Ibid, p. 131.



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(1) People vs. Com'rs. of Taxes, 23 N.Y. 242-244.  
 (2) Kitson, Commercial Education in Secondary Schools, p. 131.  
 (3) Ibid, p. 131.

by the common law, the supplementing of common law by statutory law and equity, and the relation of the past to the present.

4. To take some of the mystery out of law by showing the justice, wisdom, necessity, and harmony of our laws, and by indicating how and why laws are made and that laws are designed to protect social and commercial relationships.
5. To develop a wholesome respect for law and to arouse a love of justice in human relationships.
6. To discourage legal controversies by enabling the business man to protect himself before assuming any obligations, whether contractual or otherwise; to show that mistakes are costly and that it is better to avoid legal entanglements whenever possible.
7. To emphasize the importance of reliable legal advice when litigation cannot be avoided, and to teach the more intelligent use of legal service by making the pupil better able to grasp the situation and distinguish between essential and non-essential features in a given case.
8. To teach the habit of accurate and intensive reading, the value of verbal exactness, and the necessity of clear thinking.
9. To assist students in forming the mental habit of assuming a judicial attitude toward business problems.
10. To show that all law is based upon elementary principles of right and wrong, to train to appreciate rights and





obligations inherent in all business transactions, and to define these rights and duties.

11. To bring out qualities of character and good citizenship, thereby developing more capable business men and better citizens.

Just as Mr. Rediker emphasizes the business aspect of the course, so do most authors of textbooks on commercial law for use in secondary schools stress the importance of Business Law as an essential in the preparation of the individual for entrance into business life. But practically no author, as may be seen from the following quotations taken from the more recent law textbooks, states a definite aim for the course.

Bays' "Business Law" is presented, and its study recommended, "for the purpose of showing the relationship of law to life and especially to business life, and for the purpose of giving an elementary knowledge of general legal principles which will enable the student to understand the legal aspect of business situations." (1)

Samuel P. Weaver, in his book "Business Law", points out that, "The purpose of the course is to teach the student to reason logically; to realize the importance of a contract; to understand the laws that govern business

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(1) A. W. Bays, Business Law, p. 3





relations; to proceed safely in the conduct of business; to avoid litigation; to know how far to proceed without a lawyer; and to know when he should engage one."(1)

In the "Forward" of his text, Mr. Wallace Hugh Whigham states that "the aim of the text is to develop in the student's mind such a knowledge of commercial law as will enable him in conducting his business or profession later, to proceed within his legal rights, conserving his own best interests without trespassing upon the rights of others." He continues by pointing out that the province of commercial law is not to make lawyers of students but rather to build up a regard for the observance of the rights and wrongs in the relationship of man to man; to bring about a realization that the law shows no preference for classes or individuals; to create a respect for laws and to build up a desire to examine both sides of all questions of business affairs and to settle questions man to man or through arbitration -- thus recognizing that there is another side to the picture, its general social value.(2)

Charles B. Cole expresses the purpose and aim of his text "Elements of Commercial Law" thus: "What the layman needs most to know is how to avoid litigation. A

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(1) Samuel P. Weaver, Business Law, Preface p. v.

(2) W. H. Whigham, Essentials of Commercial Law, p. iii-vii.



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(1) Samuel P. Weaver, Business Law, Preface p. v.  
(2) W. H. Whigham, Essentials of Commercial Law, p. iii-vii.

young lawyer may take pride in fighting his client's cause through to the court of last resort, but an older and wiser lawyer will consider that he has been retained to keep his client out of all courts. The purpose of this work is the same. It aims to give its readers such general knowledge of the principles of law as will enable them to avoid lawsuits. If to some extent it enables its readers 'to live peaceably with all men', it will have achieved its purpose." (1)

The preface of Gano's "Commercial Law", the text used to the greatest extent in the high schools of Massachusetts, states that the authors had a definite aim in the plan, arrangement, scope and purpose of the text. (2) This aim seems not to have been stated, however, unless it be that the book "is not intended to teach the student to be his own lawyer, but to give him a thorough and correct understanding of the fundamental principles of commercial law." (3)

In one of the newest law textbooks, Kanzer's "Essentials of Business Law", it is stated that business law was introduced into the school curriculum because of its many values for the student who plans a business career. Then, after recognizing first the utilitarian value

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- (1) C. B. Cole, Elements of Commercial Law, Preface
  - (2) Rogers & Thompson, Gano's Commercial Law, Preface iii.
  - (3) Ibid, Preface iv.





of the study of law, the authors state that they believe the utilitarian value, great as it is, should be subordinated to other values which the subject possesses -- its value as a stimulus to mental growth, its value in the development and growth of character -- thus admitting that the study of law is invaluable not only to future business men and women but to all people.(1)

Another very recent text, "Business and Law" by E. R. Dillavou, states that the author has kept two very distinct objectives in mind in preparing the text -- the first, to introduce the student to business; and the second, to indicate to him the influence which the law exerts upon the conduct of business.(2)

Peters and Pomeroy stress the study of law, as outlined in their text "Commercial Law", to develop in the student an awareness of the existence of legal rights, duties, and liabilities which will stimulate him to investigate before acting, or to seek the advice of an attorney at law before deciding on a course of conduct.(3) In the Teacher's Manual which accompanies this text the

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- (1) E. M. Kanzer, Essentials of Business Law, Preface p. v
  - (2) E. R. Dillavou, Business and Law, Preface p. vii.
  - (3) Peters and Pomeroy, Commercial Law, Preface p. iii.





authors have gone farther and have classified the objectives to be sought in the teaching of law, all of which incidentally were designated as general knowledge objectives, under five main headings based on the values to be derived from the study of law as classified by educators and referred to in Chapter V.(1)

#### 1. Social

- a. Sincere regard for law and established authority.
- b. Results for the individual are identical with those for the group.
- c. Law as the means of meeting social needs and social control.
  - (1) "Obedience to law is liberty."
  - (2) Litigation is wasteful and expensive.
  - (3) To compromise at times brings best results.
- d. Sensible men often do things they are not legally obliged to do.

#### 2. Civic

- a. Recognition of the State's investment in the individual.
- b. Personal responsibility of citizenship.
- c. Laws and lawmakers.
- d. The necessity for laws.
  - (1) The law breaker a menace to society.
  - (2) Laws are for the protection of the individual.
  - (3) Laws are for the preservation of society.
- e. Recognition of the right of private judgment.
- f. Appreciation of the value of good government.
- g. Development of habits of justice, equity and honesty.

#### c. Cultural

- a. Appreciation of social relationships.
- b. Appreciation of social interdependence.
- c. Function of the law and its relation to the State.

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(1) Supra, p. 53.





- d. Knowledge of government and its purposes.
  - e. Better understanding of our judicial system.
    - (1) The judicial system is an agency of the people.
  - f. An understanding of the historical development of law.
  - g. Acquire a desire for reading legal literature in leisure time.
  - h. Appreciation of legal principles in interpreting current events.
4. Disciplinary
- a. Develop a technique and skill effective in
    - (1) Other educational subjects.
    - (2) Daily life.
  - b. Develop ability to separate and distinguish issues.
  - c. Develop ability to discriminate between essentials and non-essentials.
  - d. The ability to arrive at a correct conclusion.
  - e. To classify and give force to information.
  - f. To collect, assimilate, and interpret facts.
  - g. Learn to "size up" situations and make deliberate decisions.
  - h. Acquire the habit of suspended judgment.
5. Vocational effectiveness.
- a. Learn to recognize legal danger signals.
  - b. Acquire knowledge useful in governing personal conduct.
  - c. Acquire an understanding of business customs and usage.
  - d. Learn when to seek legal advice and assistance.
  - e. Ability to formulate contracts that will stand the test of litigation.
  - f. Learn the importance of useful facts.
  - g. Systematic classification as the foundation of specialization.
  - h. Develop the ability to find and apply useful reference material.
  - i. Learn to collect data, weigh facts, form conclusions, and express opinions. (1)

The manual then states the purpose of each chapter in the text. These purposes are in reality specific objectives





by which one or more of the general objectives may be attained in the struggle to reach the general aim or ultimate goal that has been established for the entire course. While this is the only textbook known to the author which contains these features at present, many high school texts in law are being revised and in the near future a great change may be noticed in the aims and purposes of law texts. It is apparent from these observations, however, that the matter of aims and objectives rests largely in the hands of school administrators and teachers.

According to the well-known John Dewey, a Business Law course should furnish an environment which stimulates response and directs the learner's course to active participation in a social activity. The material of the Business Law course should translate into concrete and detailed terms the meaning of the current social life in regard to social control which it is desirable to transmit.(1) This is not possible, however, unless the teacher has some definite aim and objectives by which to attain that aim. "To know what we are trying to do is the first step in accomplishment."(2) And since the textbooks in Business Law do not furnish the desired information, the teacher

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(1) Dewey, Democracy in Education, pp. 212-227.  
 (2) W. G. Ballentine, Commercial Law, The Balance Sheet, December, 1925, p. 9





must look elsewhere, remembering always that the purpose of any course and the particular work to be accomplished will depend to a large degree on local community conditions.

Dr. Weersing included in his survey of commercial education in the State of Minnesota a study of the weight given by 79 teachers of law to a classified list of general aims claimed for business law. <sup>(1)</sup> The same list of aims was submitted to 33 teachers of law in Massachusetts. It is interesting to note the close correlation of the results obtained from the Minnesota survey and those obtained from the Massachusetts survey, as shown in the table on page 77.

The conclusion may justifiably be drawn, it seems, that law should be taught from the point of view of its practical application and use in everyday life, this thus becoming the primary aim of the course.

The thirty-three teachers in Massachusetts were asked to list what they considered should be the specific aims of the teaching of law. Fourteen teachers offered this information. Because of the small amount of overlapping and the varied opinions as to what the specific

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(1) F. J. Weersing, Reorganization of Commercial Education in Public High Schools, p. 52.





WEIGHT GIVEN TO FIVE AIMS OF LAW BY 79 TEACHERS OF THE  
SUBJECT IN MINNESOTA AND 33 TEACHERS IN MASSACHUSETTS

Number of Teachers Assigning Ranks Shown To Each Aim

		In <u>Minnesota</u>	In <u>Massachusetts</u>
1. For its practical value in everyday life.	Rank 1	53	17
	Rank 2	12	3
	Rank 3	3	9
	Rank 4	5	2
	Rank 5	2	2
2. To teach business ethics, honesty, and social responsibility.	Rank 1	11	12
	Rank 2	29	5
	Rank 3	13	8
	Rank 4	15	4
	Rank 5	5	2
3. To teach the legal aspects of commercial organization and practice.	Rank 1	8	1
	Rank 2	16	12
	Rank 3	28	9
	Rank 4	21	6
	Rank 5	5	4
4. To develop logical and accurate thinking.	Rank 1	6	7
	Rank 2	19	11
	Rank 3	22	3
	Rank 4	19	9
	Rank 5	11	3
5. For its social and cultural value.	Rank 1	2	1
	Rank 2	4	2
	Rank 3	8	1
	Rank 4	12	3
	Rank 5	49	22





aims should be, the replies of these fourteen teachers are quoted.

1. "Good citizenship and a wholesome respect for law."
2. "To complete a business course in high school.  
It sums up the smattering of information that they have acquired about Law in Junior Business Training, Office Practice, Bookkeeping.  
To teach them to handle their simple contracts wisely.  
To teach good citizenship by pointing out the 'rights of others'.  
To help them to handle their business within the law because of a knowledge of it."
3. "To make them worldly wise from a business standpoint, thus eliminating graft and collusion, and helping to instill the rudiments of business."
4. "To teach legal rights.  
Know when to consult a lawyer.  
Improve vocabulary.  
Increase vocabulary."
5. "Interesting the student in the subject of law in the hope that those legally minded may continue the study."
6. "Develop logical thinking."
7. "To develop reasoning power.  
To give them a background of information that will enable them to solve their problems and protect their interests when they leave school.  
A knowledge of our social problems and an appreciation of the ethical and moral issues."
8. "To prepare girls to meet legal problems as they arise in their lives or in those of their families."





9. "To give the student a desire to give and receive a 'square' deal."
10. "Cultivate the power to distinguish the essential from the secondary."
11. "A respect for the law generally and understanding of the fact that when they have any legal matters to attend to -- let the lawyer attend to them. In other words, let a specialist do the work."
12. "The development of social-civic-economic consciousness."
13. "To develop self-reliance and the ability to talk and think while standing.  
To acquaint students with the reasonableness of asking citizens to limit individual freedom for the common good.  
To awaken students to the fact that the law of precedent, invaluable as it is, has serious limitations.  
To point out that economic upheavals are usually followed by new laws."
14. "Vocabulary building.  
Court procedure.  
Necessity to counsel with a lawyer when legal difficulties arise."

Herbert and Henriette Tonne, in a study of trends in the teaching of social-business subjects in the United States, secured from 321 teachers of business law their opinions as to what the aims of the subject should be, and classified these aims under three types of aims -- knowledge aims, skill aims, and attitude aims.





(1)

AIMS IN TEACHING BUSINESS LAW AS SUGGESTED BY TEACHERS

<u>Rank</u>	<u>Aims</u>	<u>Number of Replies</u>
1.	To develop a respect for law (A)	106
2.	To give students an elementary knowledge of business law (K)	82
3.	To give students a knowledge of how to avoid legal difficulties (K)	78
4.	To teach the principles of business practice (K)	74
5.	To develop clear thinking and good judgment (S)	68
6.	To give a knowledge of legal terminology (K)	52
7.	To teach the use of negotiable instruments and other legal business forms (K)	38
8.	To develop the ability to draw up simple legal contracts (K)	34
9.	To know when to obtain the services of an attorney (K)	27
10.	To develop a high moral standard in legal dealings and in business (A)	23
11.	To acquaint students with the organization, jurisdiction, and functioning of the courts (K)	18
12.	To give pupils an opportunity to 'try out' for the legal profession (A)	8
13.	To acquaint students with the outstanding weaknesses and problems of the law and to suggest solutions (K)	6
14.	To make students acquainted with commercial customs (K)	4

(The letter in parentheses after each of the aims indicates the type under which the particular aim has been classified: (K) knowledge aim; (S) skill aim; (A) attitude aim.)

Tonne points out that the first aim "to develop a respect for law" does not ordinarily receive first rank

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(1) Tonne, Social Business Education in Secondary Schools, p. 125





among textbook writers, indicating possibly that teachers are somewhat more advanced in their educational outlook than the writers of the texts they are using.(1) With this exception, however, Tonne voices John C. Lackas who points out that these aims

"do not accord with the broader view of business education as a type of education suitable for all students. The aims contemplate a teacher of business subjects as solely concerned with educating for business and not with the broader view of educating for all life. These objectives do not coincide with the view that teachers of business are primarily educators concerned with the full and complete education of their students just as the teachers of other subjects should in part be teachers of business so that they in turn may accomplish a full and complete education for their pupils. The set of aims recognizes a need for a course in business law for business students, forgetting all the while that all students are in part students of business and that both students of business and non-business students will daily involve themselves in many other types of situations of a non-business nature having definite legal aspects."(2)

The teachers of law in Massachusetts certainly have recognized the broader view of educating for all life rather than educating merely for business. This is a great step forward, even though their aims may be many and varied, for until teachers appreciate the full meaning of the subject they are teaching, that subject cannot be given its

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- (1) Tonne, Social Business Education in Secondary Schools, p. 125.  
 (2) J. C. Lackas, The Extent to Which the Subject Matter of Business Law Textbooks is in Agreement with the Subject Matter of Bitigated Cases Decided by Appellate Courts, p. 12.





rightful place in the curriculum. These facts may also indicate a change in the attitude of teachers toward the study of law and the same surveys, if repeated today by Weersing and Tonne, might show quite different results in states outside of Massachusetts.

A study of the objectives set up by school boards and educators throughout the country shows that they may be summarized briefly as follows:

1. To prepare for intelligent citizenship.
2. To develop qualities of character, ethics, and morality.
3. To give knowledge of legal rights and duties in business transactions.
4. To teach principles of law that will enable people to avoid legal difficulties -- teach the wisdom of precaution.
5. To teach one to recognize when he needs the services of a lawyer.
6. To discourage legal controversies and thus reduce litigation -- compromise is generally better than a law suit.
7. To teach that there is a moral law that must be observed regardless of what one's legal rights may be. Society demands that man keep his word.
8. To arouse a love of justice in human relations.
9. To show the justice, wisdom, necessity, and harmony of laws and to develop a wholesome respect for the law.





10. To understand that law assumes the existence of a government and that it derives its power from the consent of the governed.
11. To develop respect for fair dealing in business by showing the difference between sharp practice and good business policy.
12. To make the pupil realize that definite laws govern the conduct of successful business men; that in business or in the conduct of his own affairs he will encounter problems frequently involving for their right solution application of elementary principles of law, ethics and sound business procedure, and that he will need to apply these principles in the analysis and solution of business problems.
13. To develop keenness of mind, reasoning power, memory training, logical thinking, powers of analysis, and the habit of accuracy.
14. To promote practice in judgment formation, based on facts.
15. To develop an exact vocabulary.
16. To develop self-confidence, self-expression, efficiency.
17. To prepare for the position higher up and increased financial return.
18. To fill the gaps in our educational scheme.
19. To correlate the subject with other business and social studies, thus aiding the pupil in his understanding of correlated subjects.
20. To add to the academic education of all pupils.
21. To teach the pupils how to find a law when in need of such instead of trying to teach them the specific thing.





22. To familiarize the pupil with the more common legal forms, such as deeds, mortgages, bills of sale, leases, etc., and with the more common legal topics such as contracts, negotiable instruments, sales, common carriers, etc.
23. To impress upon the student the importance of knowing the exact contents of every contract he makes and agrees to carry out.
24. To give the pupil some knowledge of court procedure which will be of value should he become involved in a law suit.
25. To aid the pupil in determining whether or not he has the ability and inclination to follow the law as a profession.

What a maze of objectives that may be attained of law through the study, and how is one to decide which are of greatest importance and should be striven for most earnestly? Etta M. Skene submitted a similar composite list of aims and objectives in the teaching of law to teachers of law in Oklahoma and New Jersey and then classified and ranked the results as follows.(1)

#### Information or Knowledge Aims

The student should become familiar with the various kinds of laws and sources of laws, and acquire a clear conception of the enactment and force of statute laws. (3)

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(1) E. M. Skene, A Comparative Study of the Status of Teaching Business Law in the States of Oklahoma and New Jersey in 1930, p. 20.





The student should acquire knowledge of how to fill in technical legal forms, especially the many forms of contracts that are in daily use between business and professional men, without expert legal advice. (5)

### Skill Aims

The student should learn to avoid unwise contract relations with incompetents as well as competent. This will avoid expensive lawsuits and litigation. (8)

The student should learn the organization, jurisdiction, and functioning of courts in a general way, in their relation to society, in the settlement of civil cases, and in their practical everyday value in business life. (9)

The student should develop the power of logical and accurate thinking. (2)

The student should acquire the ability to draw up simple contracts and other legal forms that will stand the test of litigation. (6)

The student should learn to exercise the mental skill necessary for the realization that definite laws govern the conduct of successful business men; that in business or in the conduct of his own affairs he will encounter problems frequently involving for their right solution applications of elementary principles in law. (10)

### Ideal Aims (or Attitude Aims)

The student should learn to hold to the ideal that the study of law should indicate and inspire a genuine respect and reverence for law and constituted authority. (1)

The student should learn to hold to the ideal that business law is the basis of business ethics, honesty, and social responsibility; and that human rights and responsibilities have caused





the growth of law, and the enactment and development of economic laws to meet the needs of people in their social, civic, and economic relationships. (4)

Business law should be learned largely from the social point of view -- the students should be taught to hold to the ideal that law deals with the fundamental principles of right and wrong and that it should be preventative rather than corrective. (7)

Though at first sight it appears that the aims stress the importance of law as a tool in business, a glance at the figures in parentheses after each aim showing the order of importance in which these aims were ranked by the teachers reveals the fact that the aims stressing the business aspect are secondary to those which stress the social value of the study of law.

That there is a great weakness in the aims set up for the teaching of law cannot be denied, a weakness due to the indefiniteness or generality of the aims and objectives which in turn results from the attempt to summarize in a half-year or even a year course the principles of law that are covered in a two or three year college law course. Much of the dissatisfaction with present teaching methods and the results secured is undoubtedly due to this lack of definiteness as to what should be accomplished through the study of law in high school.





### Summary and Recommendations

For the successful teaching of law there should be established a general aim for the complete law course, several specific aims which are to be accomplished through the study of law, and specific objectives which will lead to pupil experiences through which the pupils will receive definite benefits from their study of law -- specific objectives or pupil experiences by which the aims or ultimate goals may be attained.

The general aim for the study of law should be the same for all high schools as would the more specific aims likewise be similar for all schools. But the specific objectives to be attained throughout the teaching process will probably vary considerably depending upon local conditions in the school and community. The author has attempted, however, to suggest a set-up of general and specific aims and objectives which might serve as a guide in the teaching of law to high school pupils. It is to some extent an adaptation of the suggestion made by the Department of Education for the schools of Los Angeles, California, which is probably one of very few set-ups, if not the only set-up, of this type attempted in any school.(1)

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(1) Course of Study, City of Los Angeles, California, pp. 59-62.





## SUGGESTED AIMS AND OBJECTIVES OF A HIGH SCHOOL LAW COURSE

### General Aim or Purpose of Course

To promote the primary aim of all education -- the development of the fine qualities of character and good citizenship -- by instilling respect for the law and a knowledge of its principles applicable to everyday life.

### Specific Aims and Pupil Experiences or Specific Objectives by Which to Accomplish These Aims

- I. To develop a genuine respect for law and constituted authority.
  1. Teach the pupil the necessity of obedience to law and order.
  2. Teach the pupil that the rights of others must be protected.
  3. Teach the pupil that respect for the rights of others can be developed only by conforming to certain standards himself.
  4. Teach the pupil to exercise control over himself and others.
  5. Teach the pupil that the law breaker is a menace to civilized society.
  6. Develop within the pupil's own consciousness the basic principles of good citizenship.
- II. To acquaint the pupil with a knowledge of his rights and obligations in everyday business transactions, that he may avoid lawsuits and thus reduce litigation.
  1. Make the pupil realize that "He who has himself for a lawyer has a fool for a client."
  2. Show the pupil when to trust his own judgment on a matter of law, and when to seek expert legal advice.
  3. Attempt to strengthen the pupil's confidence in his own judgment, taking care that it is not done at the expense of discretion.
  4. Show the pupil that litigation is expensive, and that compromise is often advisable.



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I. To develop a genuine respect for law and constituted authority.

1. Teach the pupil the necessity of obedience to law and order.
2. Teach the pupil that the rights of others must be protected.
3. Teach the pupil that respect for the rights of others can be developed only by conforming to certain standards himself.
4. Teach the pupil to exercise control over himself and others.
5. Teach the pupil that the law prescribes a means to civilized society.
6. Develop within the pupil's own consciousness the basic principles of good citizenship.

II. To acquaint the pupil with a knowledge of his rights and obligations in everyday business transactions, that he may avoid lawsuits and thus reduce litigation.

1. Make the pupil realize that "He who has himself for a lawyer has a fool for a client."
2. Show the pupil when to trust his own judgment on a matter of law, and when to seek expert legal advice.
3. Attempt to strengthen the pupil's confidence in his own judgment, taking care that it is not done at the expense of discretion.
4. Show the pupil that litigation is expensive, and that compromise is often advisable.

III. To inculcate in the mind of the pupil the spirit of fairness, justice and equity.

1. Teach the pupil that fairness may demand a decision opposed to sympathy.
2. Teach the pupil that fairness may demand a decision opposed to selfishness.
3. Teach the pupil that punishment justly and surely follows a disregard of the rights of others.
4. Cultivate in the pupil the habit of forming judgment on merit and based on facts.
5. Teach the pupil to recognize the importance of getting the whole truth.
6. Teach the pupil that even in law the intention of the person is frequently considered.
7. Teach the pupil that law is based on justice and equity.

IV. To develop the ability to determine fairly the rights, privileges, and duties of individuals and groups.

1. Teach the pupil to avoid contract relations with incompetents.
2. Teach the pupil to recognize facts.
3. Teach the pupil to recognize similarities and dissimilarities.
4. Show the pupil the effect of apparent trifles.
5. Teach the pupil to reason and analyze.
6. Teach the pupil to make deliberate decisions.
7. Teach the pupil to be tolerant of others' opinions.
8. Show the pupil that what is best for the whole group is eventually best for the individual.

V. To develop the power of logical analysis and deductive reasoning.

1. Teach the pupil that superficial study brings incorrect conclusions.
2. Show the pupil that final decisions are often based on fine distinctions.
3. Teach the pupil to reach conclusions by taking account of each fact and studying the conditions step by step.





4. Make the pupil appreciate the importance of each fact and its bearing on the whole situation.
5. Teach the pupil the power and value of careful analysis of a situation.

VI. To develop the power to express one's self clearly.

1. Teach the pupil to speak to the point.
2. Teach the pupil to be brief, yet convey the full meaning of his idea.
3. Teach the pupil the value of self-control.
4. Teach the pupil to systematize his thoughts.
5. Teach the pupil to express himself clearly, in language that is convincing and free from ambiguity.
6. Help the pupil to enlarge and strengthen his vocabulary.

VII. To develop the ability to read carefully and comprehensively.

1. Teach the pupil to concentrate.
2. Cultivate in the pupil the ability to buy wisely.
3. Teach the pupil to distinguish between important and unimportant facts.
4. Show the pupil the value of noticing trifles.
5. Show the pupil the value of sober "second thought" on important matters.
6. Teach the pupil to study and appreciate the value of words.
7. Teach the pupil the value of conciseness of expression.
8. Show the pupil that careless reading results in faulty interpretation and failure to arrive at proper conclusions.
9. Teach the pupil to select intelligently valuable reading material.
10. Teach the pupil how to find the law and interpret it when he has need of such information.

VIII. To acquire the ability to draw simple contracts that will stand the test of litigation.





1. Teach the pupil how to draw checks, notes, and bills of exchange.
2. Teach the pupil how to draw a lease.
3. Teach the pupil how to make a will.
4. Teach the pupil how to draw the many forms of simple contracts that are in daily use, without expert legal advice.
5. Develop within the pupil the spirit of confidence in his own judgment of simple business affairs and contracts.

IX. To aid the pupil in determining whether or not he has the ability and inclination to follow the law as a profession.

1. Show the pupil that success in the study of law calls for real, continued, and serious effort.
2. Show the pupil that following the law as a profession calls for continuous study, even after beginning to practice.
3. Teach the pupil to respect the profession of law and the jurisdiction of the courts.

The determining of objectives does not end here. For each individual subject taught in the law course the teacher must decide which objectives may best be attained through the study of that particular subject and must establish a definite purpose in teaching that subject. This is a problem that must be solved for each individual law class, even for different classes within the same school, and so no general answer can be given to the problem. A most interesting paper might be written on what should be the content of the law course and what is to be the purpose of each subject included. That, however, is not within the scope of this paper.





## CHAPTER VII

### THE CONTENT OF THE LAW COURSE

"The life of the law has not been logic;  
it has been experience."

---Justice Holmes

If the suggestion made by the state of Idaho regarding the content of the law course were to be followed, the result would be a course very narrow and of value only to a very limited group of people.

"Only that law which is essential to the safe and wise carrying on of business should be included in this course. It has been found that bankers use but a small part of the information contained in the average textbook on commercial law. They find it wiser to refer the questions to their lawyer who keeps up with the changes in the law and the decisions of the courts. Hence it is a waste in education to teach a lot of things in this course that the pupil cannot safely apply without knowing the changes made by recent legislation and court decisions." (1)

It is very apparent that in this case the real values to be derived from the study of law in high school have not been considered. Undoubtedly there are others who lean to this same belief though, while there is always a tendency to stress law for use in business, it was not the experience of the author to learn of many such cases where this extremely narrow view was taken.

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(1) State of Idaho, Bulletin of Vocational Education,  
p. 93.





### Topics Included in Law Textbooks for High School Use

The tables of contents of fourteen textbooks(1) used in high school law courses, including the most recently published or revised texts, were studied and a summary made of the number of texts treating the various subjects found listed in these tables of contents. With the exception of the addition of a few miscellaneous topics there has been little change even in recent years in the topics included in the textbooks.

#### TOPICS INCLUDED IN FOURTEEN HIGH SCHOOL LAW TEXTBOOKS

<u>Topic</u>	<u>No. of Texts Including It</u>
1. Contracts	14
2. Negotiable Instruments	14
3. Agency	14
4. Partnerships	14
5. Corporations	14
6. Real Property	14
7. Sales	13
8. Insurance	13
9. Law in General, such as	12
Meaning of Law	
Kinds of Law	
Sources of Law	
Meaning of Property	
10. Bailments	12
11. Common Carriers	11
12. Surety and Guarantyship	9
13. Administration of the Law, such as	9
How the Law is Enforced	
The Courts	
Court Procedure	
14. Landlord and Tenant	6
15. Bankruptcy	4

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(1) See Bibliography, p. 301





<u>Topic</u>	<u>No. of Texts Including It</u>
16. Master and Servant	4
17. Employer and Employee	4
18. Torts	4
19. Interest and Usury	2
20. Wills	2
21. Crimes	2
22. Law of Competition	2
23. Laws of Taxation	1
24. Banks and Banking	1
25. Laws Regulating Business	1
26. Other Forms of Business Organization	1
27. Bargaining Struggle in the Labor Market	1
28. The Trust Problem	1
29. Personal Property	1
30. Substitutes for Litigation	1

While it is possible that some of these topics may have been mentioned in other texts in connection with other topics, it will be noticed that a majority of the texts give emphasis to thirteen topics.

#### Survey of Subjects Taught

##### Outside Massachusetts

This study was followed by a study of the topics suggested in as many state syllabi as it was possible to secure which suggested what should be the content of the business law course. In fourteen states the following topics are recommended by the state departments of education for inclusion in the high school law course.





<u>Topic</u>	<u>No. of States Recommending It</u>
1. Contracts	14
2. Agency	14
3. Negotiable Instruments	14
4. Sales	13
5. Bailments	13
6. Partnerships	13
7. Law in General	12
8. Corporations	12
9. Insurance	12
10. Real Property	10
11. Common Carriers	9
12. Surety and Guarantyship	7
13. Employer and Employee	4
14. Torts	3
15. Administration of the Law	3
16. Master and Servant	3
17. Personal Property	3
18. Wills	3
19. Crimes	3
20. Landlord and Tenant	2
21. Interest and Money	1
22. Right of Stoppage in Transit	11
23. Lien	1
24. Law of Tender	1
25. Payment	1
26. Law of Patents	1
27. Copyrights	1

It will be noticed that with one exception, the administration of the law, the same topics are emphasized by state departments of education as were emphasized by textbook writers.

#### In Massachusetts

As the State Department of Education in Massachusetts does not recommend courses of study to be followed throughout the state, it was necessary to secure any information desired directly from the individual high schools.





This was a difficult task in the case of the content of the law course and furthermore it involved considerable expense. Therefore, because of the uncertainty of securing information which could be used for comparative purposes, it was not attempted for the entire state.

A list of subjects compiled from textbooks was submitted as a part of the questionnaire sent to thirty-three teachers of law in Massachusetts and a summary made of the number of times each subject was checked as being taught.

<u>Topic</u>	<u>No. of Schools Teaching It</u>
1. Contracts	33
2. Sales	33
3. Agency	33
4. Negotiable Instruments	33
5. Bailments	30
6. Real Property	29
7. Personal Property	29
(It is believed that this subject is generally taught in connection with sales and, therefore, does not warrant such prominence as a separate subject within the law course.)	
8. Insurance	27
9. Partnerships	27
10. Corporations	26
11. Common Carriers	26
12. Bankruptcy	25

(Here again, this subject in all probability is taught in connection with the discharge of contracts and should not be considered as holding such a prominent place in the law course as a separate subject.)





<u>Topic</u>	<u>No. of Schools Teaching It</u>
13. Landlord and Tenant (And again, it is doubted that this subject is taught in so many schools as a separate subject as it is often taught merely as a part of the subject of real property.)	24
14. Fields of Law	23
15. History of the Law	19
16. Surety and Guarantyship	19
17. Master and Servant	17
18. Wills	14
19. Torts	12
20. Court Procedure	11
21. Court Jurisdiction	9
22. Crimes	6
23. Parliamentary Law	2
24. Automobile Torts and Liability	1

The number of topics taught in the individual schools varied from five -- history of the law, contracts, sales, agency, and negotiable instruments -- to the complete list of twenty-two topics submitted. Parliamentary Law and Automobile Torts and Liability were added by three teachers. As will be seen from the copy of the questionnaire included in the Appendix, an attempt was made to learn how much time was devoted to the study of each topic and which topics in the opinion of the teachers should not be taught at all and which should be emphasized more than they are now. The results were too fragmentary to be worthy of consideration.

If the law courses in these schools are representative of those in other high schools throughout Massachusetts, it may be concluded that the same topics are





stressed in the Massachusetts schools as are stressed in textbooks and in schools in other parts of the country. It may be concluded, therefore, that the traditional law course of the present is composed of some thirteen major topics.

- Law in General
- Contracts
- Sales
- Agency
- Bailments
- Common Carriers
- Negotiable Instruments
- Surety and Guarantyship
- Partnerships
- Corporations
- Insurance
- Real Property
- Administration of the Law

All other topics are so widely scattered that they can scarcely be considered a part of the usual high school law course. This does not necessarily mean that the above topics are those which should be taught or can be taught satisfactorily in the length of time now devoted to the teaching of law. Nor does it mean that the other topics are unimportant and should not be given consideration by the high school pupil.

In reality the high school law course is merely a summary of the professional law course in which the pupils have to learn a large number of technical terms, the





meaning of which they do not understand and which they will soon forget.(1)

### What Should Be Taught?

It is not the province of this paper to delve into the problem of just what should be taught in the high school law course. Several attempts have been made to find the answer to this question, but apparently the traditional course in law is still being taught and textbooks written covering it.

Grover H. Alderman made a study(2) of the types of litigation filed in the office of the County Clerk of an Iowa county for the years 1907, 1908 and 1909. His assumption was that litigation which came before the courts was the type of which the layman should have some knowledge. While the results of this survey might have little value today because of changes that have taken place in the last twenty years, it is interesting to note how little correlation there was between the types of litigation in which the layman became involved and the subjects taught in the high school law course.

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- (1) Tonne, Social Business Education in Secondary Schools, p. 128  
 (2) G. H. Alderman, What an Iowa Layman Should Know About Courts and Law, School Review, Vol. XXX, May, 1922, p. 360.





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(1)  
TYPES OF IOWA COURT LITIGATION

<u>Type of Case</u>	<u>Number</u>
Written contracts	199
Quieting titles	190
Divorce cases	79
Damage cases	65
Implied contracts	50
Oral contracts	46
Suing for an undivided interest in an estate	34
Injunction	30
Writs not otherwise mentioned	11
Garnishments	10
Cases making for writs of replevin	8
Attempt to break or set aside wills	8
Slander	7

Another attempt to analyze the situation was made by John C. Lackas who made a study to determine the nature and extent of contemporary litigation coming before the higher courts and to compare the results of this analysis with the content of business law textbooks. Here <sup>(2)</sup> it was assumed that the general public should have a knowledge of the principles of law involved in those matters which are most frequently presented to the courts for solution. Again the lack of correlation between the analysis of litigated cases and the analysis of textbooks is not only interesting but amazing.

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- (1) G. H. Alderman, What an Iowa Layman Should Know About Courts and Law, School Review, Vol. XXX, May 1922, p. 360.
- (2) J. C. Lackas, To What Extent is the Subject Matter of Business Law Textbooks in Agreement with the Subject Matter of Litigated Cases





(1)  
ANALYSIS OF TYPES OF LITIGATION

	<u>No. of Cases Studied</u>	<u>Per Cent of All Litigation</u>
Injuries to Persons and Chattels	125	27.23
Land Actions	67	14.60
Commercial Actions	121	26.36
Criminal Actions	28	6.10
Administration of Wills, Estates, Trusts; Execution of Wills, Contests of Wills	31	6.75
Divorce, Annulment, Alimony	11	2.40
Special Actions:		
Taxpayers' Suits, Tax Suits, Assessments	12	2.61
Appropriation of Private Property	5	1.09
Proceedings in Aid of Execution	7	1.53
Habeas Corpus, Mandamus, Inter- pleader, etc.	11	2.40
Miscellaneous Actions	41	8.93

(2)  
ANALYSIS OF TEXTBOOKS

	<u>Per Cent of Pages</u>
Law in general, courts, property	4.77
Contracts	20.02
Negotiable Instruments	14.88
Guaranty and Suretyship	2.62
Sales of Personal Property	10.58
Bailments	4.51
Carriers of Goods	2.31
Principal and Agent	6.66
Master and Servant	1.42
Partnership	5.14
Corporations	5.87
Insurance	5.35
Real Property	10.73
Hotels and Innkeepers	.63
Carriers of Passengers	1.26
Banks, Banking and Credit	2.10
Torts	.73
Business Crimes	.42

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- (1) J. C. Lackas, To What Extent is the Subject Matter of Business Law Textbooks in Agreement with the Subject Matter of Litigated Cases, p. 47.
- (2) Ibid, p. 51.





As Tonne points out, there are still other topics which might go into the high school law course, particularly if it is desired to awaken in the pupils a realization of the inadequacies of the present antiquated system of law and to develop a desire and the ability to correct its weaknesses. (1)

"The problem of replacing our crystallized system of law, based upon outgrown conditions and the inflexibility and conservatism characteristic of the legal mind and of court procedure, by a progressive system of law, based upon the fundamental facts and conditions of the present social and economic order.

"The problem of determining the proper relationship of the courts, especially the Supreme Court, to legislation and preventing legislation by the courts under the guise of interpretation. Should the courts have the power to veto legislation?

"The problem of securing absolute justice, civil and criminal, to all persons alike -- rich and poor, black and white. Making the courts accessible and justice swift, impartial, informed, and certain.

"The problem of replacing abstract, wholesale justice by carefully adapted treatment of individual offenders, based on consideration in court of a complete record of the prisoner, including his mental and social history.

"The problem of extending the use of Reconciliation Courts and Small Claims Courts and encouraging efforts to settle cases out of court.

"The problem of removing the abuses of court procedure due to too technical rules." (2)

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- (1) Tonne, Social Business Education in Secondary Schools, p. 134.  
 (2) Ibid, p. 135.





These are problems which are most significant to every one, and yet practically no consideration is given to problems of this type in our law textbooks. Perhaps the blame should not be placed entirely on the shoulders of textbook writers, however, since there is such lack of agreement upon the aims of the high school law course. Until course-of-study makers and teachers of business law are more generally agreed as to the major aims in the teaching of law it cannot be expected that texts will be written which will be entirely adequate for the true purpose of instruction in law for high school pupils.

Lackas makes two sets of recommendations regarding the content of the law course; the first based on the narrow view of business education as education for the purpose of earning a livelihood, and the second based on the broad view of business education as education for the business of living. (1)

"There may be two sets of recommendations made. If business law is to confine itself to the narrower concept of business education wherein certain matters, because of custom and general acceptance, are recognized as business or commercial situations and problems, then the first set of recommendations is suggested. On the

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(1) J. C. Lackas, To What Extent is the Subject Matter of Business Law Textbooks in Agreement with the Subject Matter of Litigated Cases, pp. 55-57.





other hand, if the broader view of business education is to be accepted wherein business education is recognized as being, in a sense, education for business in that to live one must engage in the business of living and in so doing, in view of the highly complex economic era in which we live, engage in many business activities, then, taking this view of business education, the second set of recommendations is suggested. The broader view of business education contemplates a type of education for complete living wherein the subject-matter of business education is the subject-matter of all education and the subject-matter of all education is the subject-matter of business education. The broader view of business education contemplates a readjustment in the subject-matter of business education so as to square that subject-matter with life. It contemplates subject-matter in business education which is not confined to the orthodox limits heretofore set up as boundaries for business education, but a subject-matter as broad in its application as life."

He then recommends for the narrower view of business education an expansion of such topics as the relationship of master and servant, insurance contracts, corporate law; and less discussion of the law governing sales, negotiable instruments, and partnerships. For the broader view of business education he recommends an expansion of the present contents of business law textbooks to include not only phases of contractual law but also phases of non-contractual law.(1)

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(1) J. C. Lackas, To What Extent is the Subject Matter of Business Law Textbooks in Agreement with the Subject Matter of Litigated Cases, pp. 56-57.





With the present emphasis upon the social values of all so-called business or commercial subjects, it seems only logical that Mr. Lackas' recommendations for a law course which recognizes the need for a knowledge of the general elementary principles of law as they apply to everyday life should be given consideration.

Page upon page might be written as to the reasons why various topics should or should not be included in the high school law course, but this would constitute a thesis in itself. Furthermore, it would involve determining whether the course is to be limited to the narrower type of business education or whether it is to be a broad, general course designed to prepare pupils for complete living, though the writer does not doubt in her own mind that it should be the latter.

Two general principles should be kept in mind, however. The content of the course must fit the needs of the community and must be planned so that essentials are placed first and refinements second. "The things which are socially most fundamental, that is, which have to do with the experiences in which the widest groups share, are the essentials. The things which represent the needs of





(1)  
specialized groups and technical pursuits are secondary." And still more important, the course should state not only the rules of the law but should develop a general attitude toward it. "For an underlying disposition represents an attitude not to this and that thing, not even to the aggregate of known things, but to the considerations which govern conduct." (2)

### Conclusion

What is the conclusion to be drawn as to the content of the law course? As has been pointed out, the pupil must study much more than what could be termed strictly business law if he is to assimilate material that concerns the usual, ordinary business transactions of life. He must first study the general principles governing all law if he is to understand the study of the subject matter denoted by the words "business law". Just as the specialist in the practice of law must first secure a general legal education in order to understand his own specialty, so must the high school pupil studying law first generalize and then become specific. (3) For example, he must learn the underlying principles of the law of contracts

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(1) Dewey, Democracy and Education, p. 225.

(2) Ibid, p. 379.

(3) Jones, Teaching Business Subjects in the Secondary School, p. 218.





in general before he can apply them to specific business contracts.

It is also agreed that the matter of content will depend on the length of time to be devoted to the study of law. In this connection it must be remembered that it is far better to cover a few subjects well than to attempt a greater number in an imperfect manner. When the course is completed the class should feel that something definite has been accomplished and this will not be true if many subjects have been covered only in a superficial manner.

It thus often becomes the responsibility of the teacher to select the subject matter most appropriate to the needs of the particular class. In law perhaps more than in any other subject, if he is to make the study worthwhile, the teacher must be able to distinguish between important and unimportant material. Not all topics have equal value to pupils, and often the same topics have different values to different groups of pupils. Teachers must, therefore, select and emphasize the important and drop or give less attention to the less important material. <sup>(1)</sup>

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(1) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, Balance Sheet, February, 1932, p. 212.





## CHAPTER VIII

### CORRELATION WITH OTHER SUBJECTS

"Let knowledge grow from more to more."

The matter of the correlation of the law course with other subjects in the secondary school curriculum is sometimes thought of in terms of its being taught as part of another course, such as civics, political economy, salesmanship, economics, current events, bookkeeping, etc. Law should not, however, be combined with any other course; it should be a course entirely separate and apart from all other subjects, but correlated with -- that is, connected by disclosure of a mutual relationship -- many, if not all, of the subjects in the curriculum.

#### In the Senior High School Curriculum

If properly taught, the study of law throws light on not only the so-called commercial subjects but also the so-called general or academic subjects. For instance, the subject matter of the law course may be linked up with the study





Of History -- in the development of the law from the time when man was a law unto himself up to the present law-making and law-enforcing bodies. History and law reinforce each other. In fact, the history of the law is virtually the history of civilization.

"A study of the development of law, from the time when man was an independent and individual law unto himself up to the present lawmaking bodies, is but a reflection of history and the gradual growth of commerce through the various stages of civilization. Reference to history is made in the origin of the American system of government, bringing out the adoption of the Federal Constitution and the powers of the Federal government; (in the law of negotiable instruments and the Statute of Frauds also). With all this the pupil acquires a better appreciation of the progress of peoples and especially of those relations between nations which have a wholly commercial basis."(1)

"Any study of law which leaves out of sight the historical or developmental element misses an important possibility for culture and loses a phase without which the principles are only partially understood."(2)

Of Civics -- in its partial review from the legal angle of the history of the development of the law, methods of enforcing the law, sources and power of the law, etc.

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(1) Kitson, Commercial Education in Secondary Schools, p. 135

(2) Kahn and Klein, Principles and Methods in Commercial Education, p. 310





"Business law is necessarily a partial review of the course in civics from its legal angle, embracing as it does business ethics, rights and duties, the source and power of the law, the methods of enforcing the law, and the history of the development of law in the United States."(1)

Of English -- in the development of an exact vocabulary and precise power of expression.

"One of the aims of the course in law is to teach the value of verbal exactness; the pupils are required to give in clear, concise language the decisions and principles of law involved in each case presented. If there is cooperation between the teacher of English and the teacher of business law, much can be accomplished in developing the powers of self-expression. In many schools there is a specialized fourth-year course called business English; other schools have four years of study in the regular English classes with a certain amount of time spent on commercial work. Regardless of the direction of the English course, attention should be given to special business forms and reports which are also considered in the course in business law. The preciseness of language required in business law cultivates the pupil's ability to speak to the point at all times."(2)

Of Arithmetic -- in the crystallization in the mind of the pupil of much of the information gained from his study of arithmetic by teaching the meaning of such

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(1) Kitson, Commercial Education in Secondary Schools,  
p. 135

(2) Ibid, pp. 135,136



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- (1) Kisson, Commercial Education in Secondary Schools, p. 133.  
 (2) Ibid., pp. 132, 133.

expressions as legal rate of interest, days of grace, interest, date of maturity, etc.

"In arithmetic the pupil has already dealt with various problems having to do with the terms 'legal rate of interest', 'days of grace', 'interest', 'date of maturity', and so forth, without any clear conception as to the facts leading up to the transactions. In business law these hazy ideas are clarified, and the pupil learns the meanings of legal rate of interest and date of maturity, the reasons for days of grace, what determines the running of interest, and so forth. The study of law crystallizes in the mind of the pupil much of the information gained from his study of arithmetic."(1)

"The good teacher of arithmetic explains such matters but it is not until the student takes up commercial law that there is an opportunity for a complete exposition of these topics. It is then the duty of the teacher of commercial law to add a familiar touch by referring to those topics in arithmetic which the study of law helps to clear up."(2)

Of Bookkeeping and Accounting -- particularly in the case of negotiable instruments, partnerships, corporations, where much time could be saved, especially in advanced bookkeeping work, if the bookkeeping and business law courses were more closely correlated in actual practice.

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(1) Kitson, Commercial Education in Secondary Schools, p. 136

(2) Kahn and Klein, Principles and Methods in Commercial Education, p. 311





"Nearly every subject touched upon in the business-law course bears a distinct relation to bookkeeping and accounting. Business law defines the uses of the negotiable instruments, such as checks, drafts, and notes. It explains the laws relating to book accounts, the nature of the contract of fire insurance, and the function of insurance companies. It sets forth in clear terms the different types of ownership, the legal characteristics of partnerships and corporations, and the advantages and disadvantages of each. An understanding of these fundamental facts obviates the need of memorizing many rules in bookkeeping and accounting and furnishes an intelligent and comprehensive foundation upon which to build future training."(1)

"The teacher of commercial law should show how legal principles affect accounting forms and practices for many of the forms which the accountant and auditor uses are determined by law. And the corporation accountant, particularly, must constantly refer to legal decisions on the subjects."(2)

Of Economics -- in the study of laws governing business organization, such as common carriers, insurance companies, public utility corporations, monopolies, commissions, etc.

"There are certain types of business organization with which all civilized people must deal, whether or not they

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(1) Kitson, Commercial Education in Secondary Schools, pp. 136,137

(2) Kahn and Klein, Principles and Methods in Commercial Education, p. 310





are actually engaged in commerce; to some degree, everyone deals with common carriers, insurance companies, and public utility corporations. In his study of business law the pupil sees the attempt of the government to protect the public by rules of conduct governing these organizations, by the laws relating to monopolies and the establishment of various regulating commissions and boards and the jurisdiction of these boards."(1)

Of Office Practice -- through knowledge of the use and meaning of legal forms and documents which enables the stenographer or office worker to handle them with greater intelligence and confidence.

"Dealing as it does with business, commercial law gives to the pupils interesting side lights on many forms of business practice -- forms that are good and forms and procedure that should be avoided in order to keep from litigation."(2)

Of Stenography -- in the use of legal material for dictation purposes, thus acquainting the pupil with legal terms and their use.

"The stenographer or secretary is required to fill out various legal forms, and frequent reference is made to these forms in dictation. The student who has become familiar with the use and meaning of these documents through the business-law course can naturally handle them with greater intelligence and confidence."(3)

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- (1) Kitson, Commercial Education in Secondary Schools,  
p. 136
  - (2) Kahn and Klein, Principles and Methods in Commercial Education, p. 311
  - (3) Kitson, Commercial Education in Secondary Schools,  
p. 136





Of Typewriting -- in drawing up and filling in legal forms, typewriting material for notebooks and other class assignments.

Of Art -- in the proper arrangement of material in notebooks and on bulletin boards.

Of Current Events -- in the application of legal principles to current, and particularly community, problems.

#### In the Junior High School Curriculum

The only course in the junior high school curriculum with which the law course has any definite correlation is the course in Junior Business Training. If a business law unit is included in this course, as it usually is, the material presented therein should form the foundation for the later study of law in the senior high school.

Because of its abstractness if not supplemented by concrete illustrations, this subject is very difficult to present to junior high school pupils and the teacher must endeavor constantly to keep the discussion within their comprehension. The material presented should include only those topics which might be useful to all persons, regardless of future occupation, and only the fundamental facts in regard to each topic should be given.(1)

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(1) State of South Dakota, Commercial Course of Study for Secondary Schools, p. 44





Rightly taught, however, the principles of law learned in the Junior Business Training course, few though they may be, will help the pupil greatly in understanding those principles learned in his senior high school law course.

The ideal situation will, of course, be reached only when the study of law -- not as law but its fundamental principles that go to build up a nation, a community, and a life -- is begun in the junior high school and even in the grades, this study being expanded and gradually worked up to a formal study of law as such in the last years of the senior high school.

And so commercial law, as any other law, and I did not meet.

When fate decreed for me a business career, and a few years later I was advised to attend a collegiate school of business -- commercial education had then begun to come into its own. Commercial law -- and it was strictly commercial law -- and I were then exposed to each other for two years. I say exposed, yes. For in spite of high grades I came out of the final examination





## CHAPTER IX

## SHOULD LAW BE TAUGHT IN THE HIGH SCHOOL?

"The science of the law should in some manner  
be the study of every free citizen."

---Blackstone

"Perhaps some would say my opinion on this subject was biased. To me experience is the best teacher and so it would seem that opinions reached as a result of experience plus practical knowledge should also be of the best. In my high school days the commercial course was frowned upon; I was advised to follow the college course even though I did not expect to go to college. And so commercial law, or any other law, and I did not meet.

"Then fate decreed for me a business career, and a few years later I was advised to attend a collegiate school of business -- commercial education had then begun to come into its own. Commercial law -- and it was strictly commercial law -- and I were then exposed to each other for two years. I say exposed, yes. For in spite of high grades I came out of the final examination





with nothing of any practical value. Would I have thought then that law should be taught in the high school? Better, I would have said, that it should be taken out of the college.

"Today, however, my answer is quite different. My college education resulted in my leaving the business world and entering the educational field -- and the commercial branch of it. Then the depression seized us and like many others I was confronted with problems and had to do things I had never thought of before. How many heart aches, unhappy moments, mistakes, wasted hours, not to mention dollars, I might have been saved had I had a law course which would have acquainted me with the simple, everyday legal problems of life; had I acquired from my two years of commercial law clean cut principles that would stay with me, or had I even been exposed to a course which included such subjects as settlement of estates, property, assignments, guardianship of a child, the drawing of a will.

"It all happened within a year. I finally enlisted the services of a lawyer, but even then how much easier it would have been for both of us had I been more familiar with -- had I had more knowledge of the law that





I might have understood more clearly what was to be done. Perhaps I shall never again meet such problems, but -- would I now be facing a mortgaged future as the result of the happenings of one short year had my education been of a different type?

"Should we teach law in the high school? By all means. And it should be law -- not commercial law. Every human being is affected by, in fact is a party to, the law of the land. Every human being, in any walk of life, is consciously or unconsciously in touch with the business world. Therefore, every human being should have a knowledge of the law of the land -- it affects him as a member of society; and if commercial law shall be considered a branch of the law, then every human being should have a thorough knowledge of commercial law -- it enters into every business transaction, large or small.

"After the personal experiences which have proved to me the real value of a well planned, well taught course in law, the study of law seems to me so vital and such an important part of one's education that I am inclined to agree with one writer who states that law (I would call it law instead of commercial law as he does) should be a required subject of all pupils in the high school and even





that the state should make the study of law obligatory on all pupils so as to improve citizenship and reduce litigation."

Such was the story of one young lady well educated and yet lacking the simple knowledge which would have been of so much value to her. And this is only one of many instances that might be sighted. One high school principal reported:

"A college sophomore student reported that her course in Business Law helped a lot in her Economics course. The teacher of English reported recently that her class (seniors) cited cases and produced the authority re discussions that came up. The teacher hoped the class benefited as much from all their courses as they apparently did from Business Law. The above came unsolicited from me.

"I think it a course well worth while. For instance, a few years ago the knowledge of contracts a boy gained saved the milk producers in town several hundred dollars."

Another instance is told of a young girl who bought an inexpensive fur coat from a well-known furrier (the young girl's family was well able to afford the coat). After the first rain storm the coat began to shed its fur. The furrier, however, refused to adjust the matter and informed the young lady that he would bring suit unless she paid for the coat. The young lady, having studied





contracts and knowing her liability as an infant, replied, "Well, of course, I am not of age and I doubt that you could collect even if you took the case to court." Needless to say, the furrier promptly furnished the girl with a new coat.

The instances where individuals have been taken advantage of in just this way by unscrupulous business men, and others, are too numerous to mention. Yet where are these people to gain the knowledge necessary to protect themselves if it is not given them in the public schools?

Thirty-three teachers of law were asked on a questionnaire, Are you in sympathy with the teaching of law in high school? Twenty-eight replied in the affirmative, as would be expected of teachers of law, but one had the courage of his own convictions to say emphatically, NO! Unfortunately he did not state the reason for this decided aversion to the teaching of the subject that had probably been forced upon him in that school. The other four teachers qualified their approval of the teaching of law. One stated he was in sympathy with it if taught "on a practical value objective"; another, if taught "as a minor, a background subject"; another, "if not taught





before the senior year unless it is given as a full-year course"; and the fourth, "if taught during the senior year five times a week for the full year".

The following statements made by four of those who answered in the affirmative show how strongly they feel the need of law instruction in high school. Undoubtedly others would have given equally as strong reasons for their opinions had such reasons been asked for.

"Most Emphatically YES - Many interesting experiences as well as Beneficial Results"

"Very much. It is a vocational and a social study either way you look at it. It develops as much ability along the line of logical sustained thought as does any other subject in the curriculum."

"Yes. It is so very practical."

"Yes. I believe that it helps in rounding out the pupil's business training. A few pupils are inspired to take up law as a profession."

A subject with such a high test of accomplishment as that stated on page 50 for business law should be taught not only to the commercial student but to the whole student body.

"Regardless of what fields of activity the student should enter into in later life, he will always be better fitted to assume and





discharge responsibilities; to meet situations with foresight; and to be fearless in his business dealings. How many professional men do the wrong thing in business transactions and find themselves bound in worry, trouble and loss of savings? These men would feel all the more self-reliant and be secure from exploitation if some basic knowledge of law were not denied them in their high school days. The college curriculum of medicine, theology, dentistry, science, etc. does not include the subject of general law. The only place where they could have gotten it would have been in the high school. It is therefore up to the high school to give them the elements of commercial law before sending them out to professional schools and to the world, if these men and women are to be considered capable of facing and meeting situations in life by foresight and wisdom with a preparedness that spells all-around development. Or shall we send them out unfinished and incomplete in elementary education to become the prey of the unscrupulous and learn by hard knocks for the rest of their lives?

"What is said here of the academic and other students applies with added emphasis to the commercial student. The necessity for the commercial student to study law in the high school is too obvious after pointing out the need for other students.

"Commercial law therefore should be a required subject of all students in the high school and should be taught by one who has specialized in it and is sincerely interested in fully realizing the aims of the course.

"Aside from these considerations the state should make it obligatory on all students to study commercial law, so as to improve citizenship and reduce litigation."(1)

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(1) P. Gabriel, Should Commercial Law Be Taught in High School, The Balance Sheet, May, 1931, p. 317





To the writer, the outstanding reason for the inclusion of the study of law in the high school program, and one which it seems embodies all others, is its practical, everyday value and use in life. This could not be expressed better than in the following summary.

1. The study of law prepares for an intelligent citizenship.
2. A knowledge of law fits for the position higher up with its increased financial return.
3. No subject surpasses law in mental training; in the development of reasoning power; the strengthening of the memory.
4. No subject more closely touches life; it pulsates with human interest.
5. Its value is not only informational, but educational and cultural. (1)

As one writer has said, "In this day of brazenly bold and wholesale disrespect for law -- both local and Federal -- the necessity for such a course of study can hardly be over-estimated. .... How are we to make sure of that high grade of morality in our citizenship which is so necessary today? Who can answer?" (2) I wonder -- can we not help through our study of law in the high school?

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(1) B. N. Page, Essentials of Commercial Law, taken from Foreword to the pamphlet

(2) J. W. Kollar, Commercial Law - Its Aims and Objectives, The Balance Sheet, February, 1933, p. 263.





"Study law to become a good citizen; know law to reach a full realization of social responsibility; teach law and learn law to see and understand harmony in human relationships; learn commercial law because it regulates business relations, controls commerce and makes possible a permanent social and business order. Teach the high school (pupil) a true concept of law that he may in after life adjust himself properly in the business world, complex and constantly changing in its complexity."

---Lewis Tyree





CHAPTER 3  
INTRODUCTION

Question is the greatest interest in teaching and in learning

"The subject more deeply covered (1) it is more  
with much interest (2) it would seem, then,  
that it should be very easy to make the study of law

PART III

VITALIZING THE TEACHING OF LAW

been to a great degree the fault of law teachers who  
lacked the training and enthusiasm for the work that  
should have had.

To be successful the teacher of law must have  
the pupils enthusiastic and eager to learn but first the  
teacher himself must have faith in his pupils and faith  
in his ability to help them to realize their  
Then, when properly prepared and correctly taught, law  
instead of being a dry subject, may be made one of the  
most interesting and valuable subjects in the curriculum.

(1) S. F. Page, *Examples of Commercial Law*, Foundation  
(2) S. F. Page, *Examples of Commercial Law*, Foundation  
S.C.T.A. Fourth Yearbook, p. 104.





## CHAPTER X

## INTRODUCTION

"Justice is the greatest interest of mankind on earth!"  
 ---Daniel Webster

"No subject more closely touches life; it pulsates with human interest."(1) It would seem, then, that it should be very easy to make the study of law interesting and inspiring. Yet how often and how strongly do pupils protest against taking this subject just because it is "so dry". Undoubtedly in the past this has been to a great degree the fault of the teacher who has lacked the training and enthusiasm for his work that he should have had.

To be successful the teacher of law must make the pupils enthusiastic and eager to learn; but first the teacher himself must have faith in his subject and faith in his ability to make that subject vital to others.(2) Then, when properly presented and correctly taught, law, instead of being a dry subject, may be made one of the most interesting subjects in the high school program.

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- (1) B. N. Page, Essentials of Commercial Law, Frontispiece.  
 (2) B. N. Page, Modern Methods of Teaching Business Law,  
 E.C.T.A. Fourth Yearbook, p. 104.





An article which appeared in the Balance Sheet for February, 1927, entitled "How Do I Teach Business Law", began with these words: "Well, I just sort o' fall in love with it right at the beginning. I take real pleasure in meeting each new class, and soon the spirit of joyful interest carries over, and we are off to a good start."<sup>(1)</sup> Undoubtedly herein lies the real key to success in teaching law. But even with such love for the subject, the teacher of law must be constantly planning and searching for new ways of holding the interest and enthusiasm of his class. In the article referred to above,<sup>(2)</sup> certain things the law teacher must keep in mind are noted.

1. You don't know, can't hope to know, all about Business Law.
2. Laws are constantly multiplying and changing; this is especially true of Business Law.
3. You will not be able to teach, and shouldn't attempt to teach all you know about it.
4. Your pupils will soon forget the greater part of the actual fact -- content of the subject.
5. Very few of your pupils will ever become lawyers, but all of them may and should understand lawyers. Life and law are inseparable.
6. Some things are important, others unimportant, and your text seldom indicates which.

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(1) V. M. Rubert, How Do I Teach Business Law?, Balance Sheet, February, 1927, p. 6.

(2) Ibid, p. 6.





7. Your attitude toward law and government, your spirit of fairness and justice, your interpretation of human nature, are the things your class will never forget. Be tolerant, therefore, wise, open-minded, progressive. Avoid radical views and unqualified statements. Such words as never, always, anyone, anything, and absolutely, are dangerous words in this subject.
8. The text has no pictures, no narratives, no life settings. You must provide these to make it interesting, to have it understood.
9. There are pupils in your class who know some things about law which you may not know. Learn a little.
10. The counsel you give now is being accepted for guidance in their lives and you are largely responsible for their decisions, and for their standards of social behavior.

It is Item No. 8 with which Part III of this paper is particularly concerned. How shall the teacher of law fit himself for the responsibility that is his; how shall he make his classroom a place in which the spirit of the law will prevail; how shall he secure the interest of the pupils and conduct his class; and finally, what projects and aids shall he use to vitalize his teaching methods?





## CHAPTER XI

## PROBLEMS IN TEACHING LAW

"Not so much to endeavor to teach these things fully to you as to induce you to learn them for yourselves."

---Judge Curtis

Before attempting to answer these questions it would be well to have in mind first the problems that arise in the teaching of law. They will be only briefly stated here, more detailed discussion of them being included in later chapters.

### "Dryness" of the Subject

Much is heard to the effect that the study of law is so "dry". And yet reference has already been made to the quotation "No subject more closely touches life; it pulsates with human interest."<sup>(1)</sup> Why then, should the study of law be considered so dry?

No one will deny that law, as a body of facts, is uninteresting, written usually in language not understood by the layman, and often difficult of interpretation even by a seasoned lawyer. It is not surprising, therefore, that the textbooks on the subject are likewise dull,

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(1) Supra, p. 125.





uninteresting, written in too academic and needlessly legalistic language.(1)

Generally textbooks, even for secondary schools, contain no pictures or illustrations of any kind, no narratives showing the relation of the facts in the text to situations within the comprehension of the high school pupil. Therefore, while every subject in the study of law relates directly to human life, is full of human interest, the appeal is latent. The subject must be vitalized -- made to live for the pupils. Its relation to the experiences of the pupil must be shown; it must be linked up with his own life, with his own consciousness. The pupil must be made to react as an individual to its various rules and definitions. "To interest him, then, in a word, deeply, profoundly, permanently, That is the problem."<sup>(2)</sup>

### Faulty Teaching

As has been stated, undoubtedly much of the unsuccessful teaching of law in secondary schools in the past has been the fault of the teacher, though indirectly his fault as the result of other factors. One factor has already been mentioned -- poor textbooks. Another factor has been, in the past, the lack of material on the subject of the teaching of law.

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(1) Lewis Tyree, Commercial Law in the High Schools,  
Convention Proceedings, New Jersey State High  
School Conference, 1931, p. 141.

(2) Ibid, p. 141.





Several factors may be pointed out, however, as being more directly responsible for the faulty teaching of law. First among these is the lack of appreciation by the teacher of the true purpose of the subject.<sup>(1)</sup> This lack of appreciation applies equally as well to those responsible for making the high school curriculum and deciding the content of the subjects included therein.

As was shown in Chapter VI, there is great diversity of opinion as to what should be the primary purpose of the law course. Likewise, there is great diversity in the length of time devoted to the subject and the phases of law included in the course. To be helpful in guiding the teacher in his work, the purpose of a course should be more definitely formulated than has been done in the case of law. Most educators are agreed that training for business requires some knowledge of law, but just what that knowledge should be, is still in question.<sup>(2)</sup> Nor is it impossible that the tendency to limit the study of law to business in its narrow sense -- as a means of earning a livelihood -- has been an important factor in

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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 300.

(2) Ibid, p. 300.





preventing the teacher from appreciating the true purpose of the study of law. Competent instructors who have in mind the proper objectives can give the course so that it will be of great practical value and one of the most interesting in the curriculum. (1)

A second factor leading to faulty teaching has been the lack of scholarship on the part of the teacher. (2) As will be shown later, this defect cannot be said to be entirely the fault of the teacher. Generally he is a layman in the subject; he usually teaches several other subjects and so does not have time to make special preparation for his law classes. On the other hand, it is difficult to find a teacher who has had a law school training and is also a successful teacher. Lawyers, as a rule, do not make the best teachers, even for college law courses; and vice versa, teachers, as a rule, do not make the best lawyers. The reason for the former may be attributed to the fact that the lawyer, while he has an excellent grasp of his subject, is ignorant of methods of teaching, unless he has prepared for the teaching profession, and more important, is unable to come down to the pupils' level.

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(1) Nebraska High School Manual, p. 3.

(2) Kahn and Klein, Principles and Methods in Commercial Education, p. 300.





It follows, then, that the secondary school teacher who has a proper perspective, broad outlook, high scholastic ability, and the ability to present material effectively and furnish means of drill, will make a better teacher of law than the lawyer -- he will keep down to the level of the pupils' ability of attainment, will arouse their self-activity, and give them the necessary amount of intelligent drill.(1) In a later chapter it will be shown how the secondary school teacher may today increase his knowledge of law and secure a deeper understanding of legal problems and broaden his viewpoint relative thereto when occasion demands.

A third factor is the failure to apply principles of teaching to the subject of law.(2) This may be the result of failure of the teacher to understand the true purpose of the teaching of law, it may be due to ignorance of pedagogy, and it may be simply inability of the teacher to apply these principles to the teaching of law. This inability to apply these principles to this particular subject may, in turn, be due to certain outstanding problems in the teaching of business law such as those pointed out by Etta M. Skene.(3)

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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 302.

(2) Ibid, p. 301.

(3) E. M. Skene, A Comparative Study of the Status of Teaching Business Law in the States of Oklahoma and New Jersey in 1930, p. 18.





1. Developing exact methods of studying, thinking, reasoning and expression.

These habits may be built up by teaching the pupils to speak and write in short, concise sentences.

2. Lack of uniformity in case problems; difficult for pupils to decide cases from problems given.

This difficulty may be overcome by using imaginary cases or even better, cases taken from current happenings in the community, which represent or stress only one principle of law.

3. Terminology -- getting the pupils to understand the terms used in the text.

Only perseverance and practice in the use of the most important terms will aid here. A few words or phrases taken from the glossary in the text may be assigned for the pupils to find definitions for and use in sentences. This may serve as a review of the legal terms used in the previous day's assignment.

4. Too much ground to cover in the length of time devoted to the course.

The solution of this problem involves a revision of the content of the course.

5. Being able to keep all pupils (both boys and girls) interested.

One very effective method of holding the interest of the pupils is by using their names and experiences in class discussions. Many other methods are mentioned throughout this paper.





Another outstanding factor contributing to faulty teaching is the failure to secure adequate supplementary material. That this is a big difficulty is not to be questioned, yet it should not be a problem if the teacher is willing, and has the time, to do a little extra work. Not a great deal has been written in the way of teacher aids in the teaching of law, yet the resourceful teacher will find much helpful material in the form of newspaper clippings, magazine articles, legal publications, case books, supplementary law textbooks, law dictionaries and encyclopaedia, and teacher's manuals.

Merely recognizing the fact that a subject is a live, human, interesting study of how men deal with each other in their human relations is not sufficient, unless the teacher, who after all counts for more than the subject, is properly qualified to teach the subject. It has been said that "some teachers teach school, some teach school, and some fight school. Some inspire their pupils with a real love for study, some fill them with a





## CHAPTER XII

### REQUISITES FOR THE SUCCESSFUL TEACHING OF LAW

"The world is blessed most by men who do things,  
and not by those who merely talk about them."

---James Oliver.

It may seem at first unnecessary to consider what are the requisites for successful teaching of the subject of law since they would, of course, be the opposite of the problems stated in the previous chapter. They may be more clearly stated, however, in more concrete terms.

#### Adequate Teacher Preparation

##### Proper "Teacher Attitude"

Merely recognizing the fact that a subject is a live, human, interesting study of how men deal with each other in their human relations is not sufficient, unless the teacher, who after all counts for more than the subject, is properly qualified to teach the subject. It has been said that "some teachers keep school, some teach school, and some fight school. Some inspire their pupils with a real love for study, some fill them with a





longing for sleep, and some arouse in their pupils the spirit of mischief."(1)

In the teaching of law as in the teaching of no other subject does the attitude of the teacher play an important part in the benefits derived by the pupils from the course. A few years ago the law course was discontinued in a large suburban city high school because it had become a training school for crime. The pupils had been taught so well how they might evade the law that the storekeepers in the city rose up in arms. <sup>(2)</sup> This was not so much the fault of the pupils as it was the attitude of the teacher. If the pupils are to be taught respect for the law, then the teacher must respect the law and teach the law with an attitude of respect for it and an appreciation of its real purpose.

To quote Mr. Good again, "Your attitude toward law and government, your spirit of fairness and justice, your interpretation of human nature, are the things your class will never forget. Be tolerant, therefore, wise, open-minded, progressive. Avoid radical views and unqualified statements. Such words as never, always, anyone, anything, and absolutely, are dangerous words in this subject."(3)

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(1) N. P. Laird, Humanizing the Teaching of the Dismal Science, Report of Proceedings, New Jersey State High School Conference, 1931, pp. 147-148.

(2) B.N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Yearbook, pp. 106, 107.

(3) *Supra*, p. 127.





Furthermore, the teacher of law must have not only faith in his subject but faith in his ability to make it vital to others.(1) He must believe in the importance of his work, he must appreciate the responsibility that is his in training future citizens of the country,

"The offering of a course vital in content to the needs of the class can only be accomplished by an instructor who is aware of the legal possibilities of his subject; who teaches it as a course of first importance. The writer is fully aware of the richness of other courses in the curriculum but insists that commercial law is not a 'side subject'."(2)

He must be at all times enthusiastic over his work and confident of his ability to make an otherwise "dry" subject a living thing in the lives of his pupils.

"There is an old saying that, 'One must be sold on his subject before he can teach it well'. Success in teaching commercial law is based very largely on the instructor's interest and faith in the subject plus the ability to develop within students the same interest and faith. This is one subject wherein a little knowledge is a dangerous thing. To develop the proper interest in the subject one must have a broad background in the related

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(1) *Supra*, p. 125.

(2) B. B. Cobb, The Wide Field of Commercial Law, The Balance Sheet, November, 1929, pp. 66,67.





fields of history and government. I cannot imagine how a teacher can build up enthusiasm for any subject until he has made a thorough study of it. One cannot become enthusiastic until he has read beyond the pages of the text he is using. His breadth of reading will determine his attitude toward the subject. I therefore place 'teacher attitude' as the first important essential to successful teaching of law."<sup>(1)</sup>

### Qualifications of the Teacher

Before attempting to decide what should be the qualifications of the successful law teacher, it would be well to consider what has been his status in the past. And this brings to light a most discouraging and disappointing situation.

Until recent years the general public as well as members of school boards did not sense the value of the law course and so in many schools it was not taught at all. Where it was taught it was not a popular subject because generally there was no one properly prepared to teach it, and never any one prepared to make it interesting. Opportunities for adequate preparation for the teaching of the subject were lacking. There were no opportunities to study law except with a lawyer or in a law school. Thus, the only persons trained in the subject

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(1) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, The Balance Sheet, February, 1932, p. 211.





were lawyers. But the lawyer did not want to teach for pecuniary reasons, nor did he have the time to teach. Furthermore, as has already been pointed out, a good lawyer is rarely a good teacher.(1)

Those who attempted to teach the subject looked upon it as just another added burden. Any attempts to overcome such a situation were, of course, frowned upon because the subject of law was considered a "commercial subject" and so of little value. Commercial departments of high schools did not have the complete respect and admiration of educators. And of course, no encouragement was received from the pupils. Their elders were not in sympathy with the teaching of the subject, and so the pupils, reflecting as always the opinions of their elders, at least in such matters, would not elect the subject.

When the course was included in the curriculum it was often as a matter of imitation; it was generally assigned to the bookkeeping teacher, or to a new teacher who felt obliged to accept it. Both were unprepared to teach law and as a result were under a nervous strain which, together with the burden of attempting to study the subject while teaching it, became almost unbearable;

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(1) Supra, p. 131.





the class developed no special interest in the subject; and the course was a failure. It was not uncommon for law to be taught by a principal or school superintendent whose only preparation was a general education.(1) And so the course usually was taught by a teacher who was wholly unprepared and therefore had no appreciation of its value or its possibilities.(2)

Now the picture is quite different. The attitude of school boards, teachers, pupils and the general public has changed. The value of the study of law is constantly being recognized more and more. Facilities for the preparation of the teacher have been greatly improved. And as the socio-business subjects continue to increase in importance in the high school curriculum, so will the study of law, which is so largely social in its nature continue to gain recognition and popularity.

There are now many opportunities for the study of law by teachers and as a result more law is being taught in the high school and by teachers trained in the subject. The state offers a very fine University Extension course in law which would be most beneficial to any teacher of law. A fine type of instruction is also given

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(1) Miller, Methods in Commercial Teaching, p. 122.

(2) Miller, Methods in Commercial Teaching, pp. 122,123.





by colleges of business administration which offer courses beyond the scope of the high school course. The opportunities for evening study make possible even the attainment of a complete law school education and the securing of a law degree. Considering Boston alone, Northeastern University offers a law course, day and evening, for both men and women; Boston College, for men; Portia Law School, for women; and Suffolk Law School, for men. State teachers' colleges, normal schools and other teacher training institutions, as well as summer schools, offer teachers many opportunities to improve their knowledge of this subject. While there are also correspondence schools offering such courses they are not recommended.

One must not overlook the fact that the teacher of law must have the same general preparation and qualities which are necessary in the teaching of any subject -- and, the writer ventures to say, they are more necessary to the teacher of law. To summarize -- a teacher must have good intellectual equipment which is constantly being improved and kept up to date; good spiritual equipment -- personality, tolerance, loyalty, responsibility, pride, sincerity, character, leadership, spirit of joy and happiness in performing both duties and privileges; and good physical





equipment -- health, cleanliness, a pleasant and musical voice, a model in personal appearance.(1)

Thinking of the law teacher in particular, the following paragraphs taken from the Teacher's Handbook accompanying Gano's Commercial Law text seem to sum up most concisely the preparation necessary for the teaching of law in 1934.

"At the present time nearly all teachers of commercial law have received special training in this subject and are generally well prepared to teach it. It is not always the graduate of the law school who makes the best teacher of commercial law. The best teacher of this subject is the one who is deeply interested in it, who is a master of the fundamental underlying principles, who can get down to the student's level and by resourceful and tactful methods make the subject interesting to him.

"There are so many sources of help for the teacher today that there is no excuse for poor preparation. The teacher of commercial law should court the friendship of two or three attorneys at law whom he can consult, and of progressive business men, who can give him information on law in business. Reference material in the way of other texts, legal documents, publications and books on the subject, which may be found in the local library should be freely used. The teacher should collect from many sources live facts with which he can illustrate the abstract legal principles in a way the young student will comprehend, and in this way illumine the questions such a method will elicit from his class."(2)

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(1) Miller, Methods in Commercial Teaching, pp. 125,126.

(2) Teacher's Handbook, Gano's Commercial Law Revised,  
p. 7.





The specific qualifications of the teacher of law may be summarized as follows.

#### Knowledge and Appreciation of the Subject

"For secondary schools it is a difficult subject that should never be offered except when it can be given by a qualified teacher endowed with a great amount of common sense and judgment. Lack of preparation on the part of the instructor leads very often to a dogmatic and rigid class presentation. In such cases more harm than good is accomplished."(1)

"Unless the teacher has had a thorough foundation and has a real grasp of the subject, he will not be in a position to answer the questions presented. The pupil quick to sense this lack of self-confidence, will avoid questioning; this discourages initiative and causes confusion. A proper appreciation of the subject will enable the teacher to determine the most important points to stress and which topics to omit."(2)

#### Skill in Presenting It

"The successful teacher is one that has gained not merely a knowledge of the subject in question, but also an educational viewpoint. It must not be assumed, as it frequently is, that a person can teach law merely because he is a lawyer. Too much teaching is placed in the hands of those who have little appreciation of the pedagogy involved. As we all know, teaching is a profession in itself, and when it is possible to have a lawyer teach law, the mere fact that he is a lawyer is not enough.

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(1) Nebraska High School Manual, p. 1.

(2) Kitson, Commercial Education in Secondary Schools, p. 156





He must appreciate his particular problem, which is to teach his class as such a class should be taught. Both a knowledge of the content of business law and a skill in presenting it are vital to successful teaching. Such qualifications call for a cultural background, a grasp of the material to be taught, a sense of values in determining what to include in the course and what to omit, a familiarity with the art of teaching, a knowledge of boys and girls, and the sympathetic touch of the true teacher."(1)

#### Cultural Background

"The teacher should appreciate the place of business law in the curriculum, considered from the point of view of the purpose of the course, general educational and correlative values, and contribution to social welfare."(2)

#### Knowledge of Human Nature

"The teacher should keep constantly in mind the fact that he is dealing with boys and girls, embryonic citizens of tomorrow. He should not attempt to drive, but should skillfully guide the pupils through one difficulty after another until by their own efforts they gradually see the benefits and the application of the study of law."(3)

#### Understanding of the Art of Teaching

"The teacher should bear in mind that his duty to the class is not properly performed if the net result obtained is merely to fill the minds of the pupils with an accumulation of disconnected rules without any bearing on each other. The law is a harmonious whole, an intricate fabric designed

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- (1) Jones, Teaching Business Subjects in the Secondary School, p. 227.
  - (2) Kitson, Commercial Education in Secondary Schools, p. 156
  - (3) Ibid, p. 156





out of experience as old as the world. It is the duty of the teacher to see that it is presented from this point of view with the greatest ease for the pupil and the maximum amount of benefit. This cannot be attained by merely lecturing to the class or having it read page after page in the text. The textbook is at best but a guide and a reference to be used by the teacher as an aid in presenting the subject. Were it sufficient in and of itself, there would be little need for teachers. The capable teacher will supplement the textbook with intelligent exposition and patient industry, drawing upon his general knowledge and resorting to his ability and ingenuity to make this subject interesting and understandable. It should be treated as being coherent throughout; one rule of law is consonant with another for the most part, or is a logical or necessary and reasonable outgrowth of a given premise, axiom, or postulate.

"It should always be the aim of the teacher to develop in the pupil his powers of apperception, so that by the association of newly acquired ideas with those previously acquired he will attain by his own mental processes new and additional knowledge. The realization that he can do this will help to stimulate his interest and arouse him to a higher degree of mental activity. The teacher should in every way encourage him to gain an insight into the study of law by the use of his reason rather than by resorting to rote memorizing.

"The word 'education' viewed from its etymological standpoint means 'the act of leading or drawing out'; this is mentioned in contrast to the all-too-common idea that education consists mainly in crowding into the mind of the pupil a large





number of isolated facts and rules. It is incumbent on the teacher so to teach that he draws out from the pupil the results of his reasoning activities and thus develops in him the habit of thinking clearly and concisely. Regard the mind not as a storehouse or a reservoir, but as a fertile field of intellectual activity which needs only proper attention, cultivation, encouragement, and effort to bring forth its own product of ideas, thoughts, and concepts."(1)

#### Concurrent Study

"The subject of business law is not static. Developments are constantly occurring. If a teacher is to be successful he must continue his study even while actively engaged in teaching."(2)

#### Personality and Character Traits

There is no other subject that demands of its teacher such high personality and character traits as does the subject of law. The teacher's own actions will influence greatly the lives of his pupils and will play a large part in molding the character of **his** pupils. Daniel Webster has said, "The law! It has honored us! May we honor it!" Particularly does this apply to the teacher of law.

#### Business Experience

While not too much stress should be placed upon the value and importance of business experience to the law instructor, such experience would undoubtedly be of general benefit in his understanding of the problems met with in the business world.

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- (1) Kitson, Commercial Education in Secondary Schools, pp. 157, 158.  
 (2) Ibid, p. 158.





### Travel and Observation

The teacher of law should always be alert to observe situations which may furnish material for use in illustrating the subject matter of the course. Likewise, the more he may travel the more opportunity he will have to observe and secure information about actual cases to be used in class.(1)

### STUDENT INTEREST

The teacher's first job is to interest the pupils and arouse their enthusiasm. How may this be done? Is it possible to be enthusiastic if one is teaching law and to extend that enthusiasm to the pupils? As one writer has answered --

"Decidedly, yes. Its very antiquity makes it honorable. Become steeped in its background, tell your students the stories of its beginning. Common law, equity law, the story of the law merchant, modern statutory law, -- it is a story filled with romance and adventure, and there is no high school youth who cannot be fired to loyalty by its rehearsal. Show that after all, law is but crystallized opinion, that it was unnecessary as long as Robinson Crusoe was alone on his lonely isle, but that as soon as his man Friday appeared its need was apparent. Don't let your students feel that laws are the weapons of the oppressors, to be broken as speedily as possible; show them that lawmaking is the gift of the ages, a sacred torch which they must carry on. It has been said that where there is no vision the people perish; well might it be said that when there ceases to be respect for law and order a nation's history is written."(2)

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- (1) Texas High Schools, The Teaching of Commercial Subjects, p. 53.
  - (2) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, pp. 104,105.





Thus can the pupil be shown the importance of law in the present complex civilization, and particularly in this age of crime, chicanery and graft. Thus may the pupils -- the youth of today -- be made to see their responsibility as the men and women of tomorrow -- a responsibility they will be better able to assume if they derive the proper values from their study of law.

Share the Benefits to be Derived from the Study of Law

Not only should the pupil understand the importance of that which he is to study, he should also be told of the benefits he may derive from that study. Share with him the knowledge that the study of law develops reasoning power, the power of logical thinking, that it leads in the development of mental discipline in spite of the age-old belief that such powers were developed only through the study of Latin, geometry and mathematics. Make him feel that even though he may not be able to pursue such studies as these he may derive the same benefits from the study of law.(1)

In the same way show how the study of law teaches ethical character, point out its great social value, and even its financial value. Particularly impress upon the young mind the truth of the old adage, "He who has

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 107.





himself for a lawyer has a fool for a client." Tell of such cases as that involving the Maryland Fire Insurance Company in which, if the stenographer had known enough law to have written "Upon receipt of your check your premises will be covered", she would have saved her company many thousands of dollars, and possibly have aided herself financially.(1)

At the very beginning of the course the class should be made to feel the importance of law to every one. The interest of the pupils will be secured much more quickly and easily if they understand that the subject does not benefit any particular group of individuals, that it applies to men and women alike, and not only to those engaged directly in business but to the doctor, the preacher, the teacher, the farmer, the boy or girl in the factory, even the fortunate ones who may lead a life of leisure. Make the girls in the class feel that the subject is just as important to them as to the boys -- do they know that 85% of all the goods bought in America are bought by women and therefore 85% of the contracts entered into are made by women?(2)

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 106.

(2) Ibid, p. 106.





### Cultivate Proper Study Habits

The task is not done when the enthusiasm of the pupils has been aroused and their interest and desire to study law secured. This enthusiasm and interest must then be held, and first of all the pupil must be taught how to study so that he may derive the benefits he should from the subject. In any subject the pupils must be taught the best way to master that particular subject and this is particularly true in the study of law because of the difficulties which were pointed out in Chapter XI.

The teacher should take time to teach his class how to study by studying several lessons with them. The important points in the lesson should be pointed out, instructions should be given as to how to study cases and illustrations and how to use the questions in the text as review. This necessity of the teacher studying with the pupils has been well expressed by Lewis Tyree, Professor of Business Law at the New Jersey Law School.

"This is a picture to my mind (he has just completed a demonstration of the teaching of negotiable instruments) of the study of commercial law not a dry-as-dust reading of a textbook. Thumbs down on the theory. Definitions overboard. No memorization. Like it or -- leave it alone. Don't prejudice the young mind by closing his opportunity to grasp its beauty. Its supreme importance. In this viewpoint the teacher, of course, studies with the pupil.



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Together they realize how at every point of life the law of business touches us -- governs our conduct -- regulates our lives. If we would be happy in a perfectly adjusted life -- we must find some understanding of it. And in understanding it even but slightly we lift our horizon beyond the boredom of pallid definitions -- inane and wearisome rules. That is the true function -- and the only worthwhile function of the study of law for the sake of studying it."(1)

### Give Pupil An Active Part in Recitations

There is no surer way of securing a pupil's interest than by giving him something to do. In a later chapter various projects will be mentioned as a means of securing interest through pupil-activity. Pupil activity need not, however, be confined to the working of projects; it may take the form of self-expression in the classroom. The teacher should never overlook an opportunity to encourage a pupil to take part in a discussion or to ask questions. The class should be encouraged to bring in cases and to discuss community situations which illustrate points under discussion.

Many teachers, particularly inexperienced teachers, tend to discourage questions from pupils in a law course because they fear they will not be able to answer them. This is merely a situation requiring tact and

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(1) Lewis Tyree, Commercial Law in the High Schools, Report of Proceedings, New Jersey State High School Conference, 1931, p. 146.





diplomacy on the part of the teacher. Many a competent lawyer and judge has to reserve decision until he can look the matter up; therefore, it is only logical that the teacher may resort to the same procedure. He should not be afraid to say he cannot answer the question at the moment but he should also never neglect to look the matter up and give the class an answer. It may often be desirable to turn the question into a problem for the class or some member of it to look up and report on, the teacher of course likewise looking the matter up.(1)

The great danger in encouraging questions and discussion on the part of the pupils lies in the possibility of their bringing up irrelevant questions. The teacher here again must be an efficient leader and guard against the introduction of any material that will destroy the value and dignity of the recitation.(2) But never should he give an impression that will discourage the class and eliminate further participation.

"There is no more certain indication of a student's interest in the subject than the fact that he asks questions, and no more accurate measure of that interest than the eagerness with which he seeks information. If students show a reasonable degree of eagerness to ask questions and ask intelligent questions, this is an indication that the teacher

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- (1) Teacher's Handbook, Gano's Commercial Law - Revised,  
p. 5, 6.  
(2) State of New York, Syllabus in Commercial Subjects,  
p. 35.





is using a good method and that he is securing their attention and exciting their interest in the study."(1)

### Show Relationship of Topics to Daily Life

"No subject more closely touches human life; it pulsates with human interest."(2) If this is true, and it cannot be otherwise, it should not be difficult to show the relationship of a topic under discussion to daily life. Yet most teachers fail to do just that thing in their teaching. They teach abstract facts and principles without bringing them within the comprehension of the pupil.

For example, in the use of cases, a few texts and case books use names but most of them use letters -- P for the plaintiff, D for the defendant, A for the party of the first part, B for the party of the second part, and so on. Even to the adult mind this use of letters is most confusing. Why then try to use them with a high school group? Substitute names always for letters, and wherever possible substitute names of pupils in the class. Beware, however, that a certain pupil is not always the plaintiff or the villain; or that certain pupils'

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(1) Teacher's Handbook, Gano's Commercial Law - Revised, p. 4.

(2) Supra, p. 125.





names are used more often than others or to the exclusion of some. And in the same way, when illustrating a point, use such phrases as "my mother", "your father", etc.

Whenever possible tie the situation up with something concrete, something alive. Make the situation real in the life of the pupil and he will better remember principles and thus be able to apply them to problems in later life.

One illustration will suffice to show how even the most difficult subject in the study of law may be made interesting and of value to the pupils simply by using everyday illustrations and substituting the names of people known to the class for letters and symbols. Such an illustration written for use in the teaching of infants' contracts -- one of the most difficult subjects to teach so as to develop the proper attitude in the minds of the pupils -- follows.





## Lesson Outline

of

### INFANTS' CONTRACTS

"How many got 100% on the test this morning? Fine! How many had only one question wrong? Two? Three? Four? Well, you certainly have started this course in the right way. If you keep up the good work you have done so far you'll have no trouble with the study of law."

"I have put on the board an outline for you to copy in your notebooks. Be sure to leave the usual amount of space between headings for notes you will want to take."

### Infants' Contracts

Infants

definition

Contracts for necessities

definition

Contracts for non-necessaries

contract is voidable

disaffirmance

ratification

before maturity

after maturity

Agent of an infant

False claims of infants

Torts of an infant

"Have you all completed the copying? That's fine, now we are ready to discuss the subject of infants' contracts."





"How many of you are infants at the present time? What is your answer to that William?"

"William says that none of the class are infants and as we are accustomed to hearing the word and using it his answer would sound correct. But he is wrong. Are any of the class over twenty-one? As there are no hands raised I assume you are all under twenty-one years of age. And that being true you are all infants in the eyes of the law. Please put in your notes this definition of an infant. 'Legally, all persons under the age of twenty-one are infants. An infant becomes of age the day preceding his twenty-first birthday.' In some states this law varies but as a general rule it holds true. Girls, for instance, become of age when eighteen in some states, especially for marriage purposes."

"Alfred, why do you think there are special laws relative to infants' contracts? Yes, that is partly correct. Law makers have accepted the principle that infants are incompetent to make contracts and there the law affords him certain protection so that he shall not be imposed upon or have any unfair advantage taken of him."

"Now this should not be interpreted to mean that minors or infants cannot be held liable for certain of their acts. It is contracts by which an infant is bound that I wish to discuss next."

"Mary, what is the meaning of the word 'necessary'? Yes, that is correct. Mary says that 'necessary' means an urgent need, as the need of money with which to buy an article. Now can any one tell me what things are necessary to our living? All right Grace, what is your answer? Fine. The main items in our needs are food, shelter and clothes. The law defines 'necessaries' as those things needed by a person to maintain him in his station of life."

The following questions could be used to emphasize what necessities are according to law.

1. A nineteen year old youth purchases an overcoat costing \$100. The boy is dependent on his father who earns \$34 per week. Is the overcoat a necessary?
2. A boy, while traveling, loses his money. Is money that he borrows for food a necessary?







3. Edward Patrick a minor buys an expensive camera. Is this deemed a necessary?
4. A group of minors buy two \$80 easy chairs for a club. Are these chairs necessities?
5. A sixteen year old boy, whose parents were dead, purchased food that he needed. What is the food considered to be? He also bought some inexpensive clothes that he needed. What is the status of the clothes? If the clothes had been of high price would that have altered their status?
6. A boy while away from home is taken ill. He calls a doctor who gives him some medical attention. Is the service of the doctor classed as a necessary, remembering how a necessary was defined?

"Now that we understand what necessities are, we are ready to discuss infants' contracts for necessities. An infant is responsible for all contracts he makes for necessities. The test to apply is whether the contract that the infant has entered into is one that is necessary to maintain him in his station in life. Contracts such as these are enforceable at law, the infant, his parents or estate being liable."

"If there were no such law making an infant liable on his contracts for necessities it would be extremely difficult for an infant to procure things he needed for his maintenance. Persons would refuse, and rightly so, to trust an infant if there was no recourse at law for enforcing the contract. It is a law that protects the infant as well as the one with whom he deals as far as contracts for necessities are concerned."

"Now that we know what necessities are, can any one tell me how we can define non-necessaries? That is right John, under the heading of non-necessaries come those items that an infant has no need for in order to maintain his station in life. For the infant in ordinary circumstances what would some of these things be? Let's list them on the board, and you might copy them into your notebooks for future reference. I think that list is enough to give you a clear idea of what we mean. We have: automobiles, radios, guns for hunting, canoes, boats, expensive clothes, watches, diamonds, etc."







"The law relative to contracts for non-necessaries by an infant is more complicated than that relative to necessities. In this type of contract the infant has an option of keeping the contract or breaking it, if he so chooses. The first topic under non-necessary contracts of an infant in our outline is infants' contracts are voidable."

"What did we learn some time ago the word 'void' meant? That is correct, 'void' means that it is not good or not enforceable. And 'voidable' means making a contract void or refusing to fulfill it. The contract of an infant may have all the necessary elements to make it a good contract, yet he may avoid it. Let us review for a moment the six elements of a contract. Apparently we have them fairly well in mind. An infant is given the right to avoid a contract to protect him from those who would take advantage of him due to his immaturity of mind and lack of knowledge relative to business dealings. The rules relative to an infant avoiding his contract are as follows:

An infant need not perform his part of the contract.

After performing a contract an infant may return the property and demand his money back.

An infant alone has the right to break the contract, a mature party to the contract cannot break it.

Keep in mind the fact that these laws in their interpretation are made to protect the infant from those who would take advantage of him. You all know men in business who would not hesitate to take advantage of you were they able to do so. They would sell you whatever they could were it possible to bind you or your family for payment."

Questions that could be used.

1. John, a minor, sells goods to me, and I am an adult. Can I refuse to pay for the goods.
2. William purchases a valuable overcoat from Kennedy's for only \$10. Kennedy Company desires to break the contract, can they do so?
3. Burton agrees to work for a builder for one year for \$15 per month. Now Burton is a minor. If Burton works one month can his employer refuse to pay him on the ground that he is a minor? Can his employer sue Burton for not fulfilling his contract?



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4. Albert, who is an infant, agrees to buy from Newton Auto Company an automobile. Who has the right to break this contract? If Albert does not choose to break the contract what may he do?

"Our next sub-title is disaffirmance of infants' contracts. The word disaffirm means to refuse to ratify, not to uphold, or to refuse to sanction. Disaffirmance of a contract by an infant is his refusal to be bound by a voidable contract. An infant must disaffirm a contract before or in a reasonable time after he is twenty-one if he does not wish to be bound by it. A reasonable time may vary but for our work we can term it two or three months. If the infant does not disaffirm the contract he is liable to fulfill its terms. And now to put in our notebooks the rules of disaffirmance :

The disaffirmance must be complete.

An infant must return any property he has still in his possession at the time of disaffirming the contract.

An infant can disaffirm a contract even though he cannot return the property or its equivalent.

Questions on disaffirmance.

1. Gage, a minor, buys an automobile. When he reaches twenty-one he does not disaffirm his contract. Is he liable for payment for the automobile?
2. A minor buys a watch and when he becomes twenty-one he refuses to fulfill the terms of his contract. Has he the right to do so?
3. Arthur Brown, a minor, buys a car and when he becomes twenty-one refuses to pay for it. What can the seller recover, if anything?
4. A minor buys a camera and while in his possession it is lost. He then refuses to pay for it. Can the seller force him to pay for the camera?
5. A minor buys a suit and overcoat from Kennedy's. At a later date he agrees to pay for the suit but not the overcoat. Can he do so?





"Our next topic for discussion is that of ratification of contracts by infants. What do we mean when we say we ratify an act or thing? No one has given a good definition of the word, so suppose we ask Harold to look it up in the dictionary and tell us what he finds. That is good, to ratify is to agree by word or conduct to be bound by the terms of a contract. In considering ratification of contracts by infants there is the time element which must enter our discussion. An infant may ratify a contract before or after maturity. Both cases have a different consequence. Ratification before he is twenty-one is not deemed an enforceable ratification because if he is not bound by his original contract he is surely not bound by agreements arising from it. The rules relative to ratification are as follows:

Ratification before maturity is not enforceable.

An infant must ratify an executory contract on becoming of age or it is void.

Keeping something he has bought implies ratification by the infant on becoming of age.

Silence after reaching maturity is deemed ratification.

The ratification must be complete, it cannot be partial.

Questions on ratification.

1. An infant buys a watch from a jeweler, Moody. He keeps the watch on reaching maturity. Is he now bound by the terms of the contract?
2. Wilson, an infant, agrees to purchase a car two months after reaching maturity. He becomes of age and does not commit himself by word or act regarding the contract. Can Jones, the seller, force him to buy the car?
3. Can an infant agree to keep certain goods but not others if all goods were purchased under the terms of a single contract?
4. An infant upon reaching maturity agrees to pay for goods he bought from Smith. Is the infant liable?







"From the previous discussion it can be seen that if an infant upon becoming of age agrees to be bound by the terms of a contract previously made it is enforceable at law. That is only a fair law from the viewpoint of both parties. In the eyes of the youth there is a definite point in his life when he will be bound or not by any previous dealings he may have entered into. If he was unduly taken advantage of it is right that he should not ratify acts which will bind him in future years. And on the other hand, if certain acts are beneficial to him it is only right that he should make them enforceable at law."

"Warren, suppose that next week an infant comes to you and offers to make you his agent in selling Christmas cards. Are any acts you perform for him enforceable at law? That shows good reasoning on your part. No, your acts would not be enforceable for an infant cannot empower you to do what he cannot himself do. The general rule is that all acts of the agent of an infant are void as the infant cannot appoint a person to do what he himself has no legal right to do. There are some few cases where appointment of an agent by an infant holds good. Such a case might be the appointment of a guardian of an infant's estate. This is generally done by court order."

"Now, an infant in making a contract may claim that he is of age and upon proving that he was not of age he may disaffirm his contract. But bear in mind in all such instances that the infant is liable to criminal prosecution upon his false claims. The law does not allow nor was it intended to confer any special benefits on an infant. Rather than that, it was designed to protect him from those who would take advantage of his youth. The law will protect you but it will not uphold any wrongs committed by you in making a contract."

"There are other acts that the court will not uphold the infant in doing outside of the laws of contracts. Though outside the law of contracts I would like to take several minutes to speak about the torts of an infant. We learned last week that any wrongful act, other than a breach of contract, for which a court will give damages is deemed a tort. The law upholds no one guilty of wrongful acts whether he be a minor or not. An infant is liable for any torts committed by himself while he is not acting as agent for some other person. The test of whether the infant is liable will be found by deciding whether at the time he was acting as agent for some one else or acting for himself."





**Note:**

After the completion of this work use for review and drill purposes short questions taken from the work previously given in this paper.

**Time for Presentation:**

At least two class periods of sixty minutes each or three periods of forty-five minutes.

**Assignment for Pupils:**

Outline infants' contracts as presented in text. Then with the outline taken down in class, combine the two into a complete outline of the subject and place in notebooks.

exhaustive treatment of the subject.

"The majority of the texts contain more law than a layman can properly digest and intelligently use without taking an elementary course in law so that he may properly appreciate the relations that the legal principles involved bear to each other and to other phases of the law. There is grave danger of those who take a course in Commercial Law getting the erroneous idea that they can carry on important transactions without the guidance or advice of a lawyer, with the result that they finally become thoroughly involved in complications that will lead to expensive litigation. It is better that the public should have only a little knowledge of the reasons underlying commercial transactions than that they should have so much as to lead them to believe that they are entirely capable of handling the more important business problems." (1)

(1) State of Idaho, Handbook in Commerce for Idaho High Schools, p. 22.



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## PROPER EQUIPMENT

### Textbook

A most necessary part of the equipment for use in the law class is a good textbook to serve as a foundation for the course. Great care should be taken in the selection of a textbook for the reason that few teachers have had any specialized training in law and so follow the text rather closely. It is not the purpose of this paper to discuss the merits of a good textbook, but one very important factor to be considered in choosing a textbook for high school use is that of a simple rather than an exhaustive treatment of the subject.

"The majority of the texts contain more law than a layman can properly digest and intelligently use without taking an elementary course in law so that he may properly appreciate the relations that the legal principles involved bear to each other and to other phases of the law. There is grave danger of those who take a course in Commercial Law getting the erroneous idea that they can carry on important transactions without the guidance or advice of a lawyer, with the result that they finally become thoroughly involved in complications that will lead to expensive litigation. It is better that the pupils should have only a little knowledge of the common everyday commercial transactions than that they should have so much as to lead them to believe that they are entirely capable of handling the more important business problems."(1)

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(1) State of Idaho, Handbook in Commerce for Idaho High Schools, p. 93.





Furthermore, the textbook must be in harmony with the present-day law, it should be written in clear, concise, non-technical language, and should contain enough cases and problems to furnish drill in applying the principles of law to actual situations.(1)

For the inexperienced teacher a textbook accompanied by a rather complete teacher's handbook or manual will be very valuable. Some handbooks merely contain answers to the questions and hypothetical problems that are placed at the ends of chapters or sections of the textbook. Others are more complete in that they contain a complete outline of each chapter with directions to the teacher concerning the things that should be emphasized, a plan of presenting the lessons, and suggestive supplementary exercises, together with answers to all the questions asked in the text. An example of the latter type may be found in the Teacher's Manual that accompanies Peters and Pomeroy's text "Commercial Law" published by the South-Western Publishing Company.

#### Supplementary Material

Equally as important as a well selected textbook is adequate supplementary and reference material. Frequent

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(1) Kitson, Commercial Education in Secondary Schools, p. 140.





use should be made of the ordinances of the city or town and the state statutes so that the text may constantly be compared with the statutes and laws of the particular state in which the course is offered, and each topic studied in the law course tied up with the law pertaining to the local community. Only in this way can the course be made accurate as to that body of law applicable to the community in which the pupils live and the element of human interest used to its utmost. Supplement the text with local references whenever possible; have material available so that the pupils may learn to find facts for themselves.

Lists of supplementary and reference material for use in the teaching of law may be found on pages 188-194. This use of material other than that in the textbook broadens the pupil's viewpoint and arouses enthusiasm. It affords excellent drill in forming habits of investigation and "running down" points at issue.(1)

The teacher should not overlook the wealth of supplementary material to be found in the newspapers -- material in the nature of current cases which may be used for class discussion. Not only does this stimulate interest

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(1) Peters Pomeroy, Teacher's Manual, Commercial Law, Second Edition, p. 6.





but it affords an opportunity to connect the material in the text with the activities of the world in which the pupils are living.(1)

This supplementary material may also take the form of field trips which afford an opportunity for the pupils to see business transactions under way and discuss material in their textbooks with men familiar with the law of the trade; lectures by business and professional men who will bring to the class new information; and a visit to a court in session where the pupils will see and understand more clearly the procedure followed in court.

### The Classroom

The Report of the Committee on Equipment for a Business Law Classroom given in the E.C.T.A. Sixth Yearbook states, "Recognizing the fact that business law is distinctly a social business subject, the Committee has found that there is very little in the way of specialized equipment necessary for the classroom in which this subject is taught."(2) It then proceeds to give a lot of information about ordinary classroom equipment with which any modern school should be familiar and which applies to

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- (1) W. R. Curtis, New Material for the Teacher in Commercial Law, E.C.T.A. First Yearbook, p. 324.
  - (2) Report of the Committee on Equipment for a Business Law Classroom, E.C.T.A. Sixth Yearbook, p. 356.





the business law classroom no more than to any other classroom.

The following suggestion appears, among others, in a report of a survey of equipment of high school commercial departments. "The subjects of commercial law, economics, geography, and salesmanship do not require special equipment other than maps, globes, charts and reference material. An ordinary classroom may be used."(1) Yet the same report carries this statement, "Many school authorities feel that a well-trained teacher is the most important asset of the department. A teacher is, however, handicapped without adequate equipment."(2)

Another article likewise states, "The standard classroom in the senior high school may be used for classes in commercial arithmetic, commercial law, penmanship, business organization and management, and economics."(3) Yet all of these articles emphasize the necessity of lending atmosphere to such subjects as bookkeeping, typewriting, office practice.

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- (1) E. L. Hillman, Equipment of High School Commercial Departments, The Balance Sheet, April, 1932. p. 295.
  - (2) Ibid, p. 296.
  - (3) C. B. Edgeworth, Design and Equipment of Rooms for Commercial Education in High Schools, The Balance Sheet, April, 1931, p. 272.





Just as long as educators adopt this attitude of contentment, just so long can one expect the law course to remain unpopular and uninteresting -- as likewise will other subjects -- unless the teacher has the ability to overcome this handicap.

Perhaps there is no essential "physical" equipment other than that required for the ordinary classroom -- suitable pupils' desks and chairs, teacher's desk and chair, filing and storage equipment, blackboards -- but there is much miscellaneous equipment by means of which the teacher may motivate and vitalize her instruction. The question is -- what are some of these things, call them classroom equipment or teaching devices as you choose.

With the growth of commercial education a great deal has been done to make the classroom reflect the subject that is being taught therein. If the subject is accounting, the classroom is made to reflect accounting; if office practice, the classroom is given the atmosphere of an office; and so on. Then why not have a law classroom with a legal atmosphere?

The answer is, of course, that at present, as a rule, the law teacher does not have a home room; she goes to the class instead of the class coming to her. There is,





however, much that can be done with the average classroom of 1934.

The author cannot refrain from quoting --

"The coming high school which sees in this subject its marvelous possibilities will show you a room which will introduce you to another world. Let me take you with me to my Utopia, the law classroom of my dream. One portion will be arranged like a simple court room, where moot court work may be done and forever strange words will take on familiar meaning. The possibilities of this are legion, but that is decades away, so instead let us note the things that even in (1934) may lend atmosphere."(1)

A miniature court room undoubtedly can not be had, at least in this day and age, but is it beyond the realm of possibilities to secure a classroom with furniture and furnishings which may be arranged at times to resemble the layout of a court room? Coming clearly within this realm of possibilities, however -- there may be pictures and statuary in that room, "silent sermons everywhere, and after all silent sermons are best."(2) These may be pictures of outstanding lawyers, judges, court room scenes, scenes which tell of the history of the law; the statuary may likewise be reproductions of any characters or ideas relating to law. Only a suggestion of the type of pictures and pieces of statuary referred to is given here.

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- (1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 108.  
 (2) Ibid, p. 109.





### Pictures

Westminster Hall  
 Court of King's Bench -- Westminster Hall  
 Court of Common Pleas -- Westminster Hall  
 Court of Exchequer  
 Fleet Prison  
 Court of Chancery -- Lincoln's Inn Hall  
 Old Bailey  
 New Gate Chapel  
 The United States Supreme Court (New Building)  
 John Marshall  
 Sir Francis Bacon  
 Edward Douglass White  
 William Howard Taft  
 Justices of the United States Supreme Court

### Statuary

Justice  
 Liberty Proclaiming Peace  
 Statue of Liberty  
 Men prominent in the field of law, for example  
 Daniel Webster

Another silent sermon may be placed on the blackboard -- a quotation which in some way suggests the idea of law and order, though it need not necessarily contain the word "law". Each week a new quotation should appear -- preferably always one whose author is known to and respected by the pupils. Care should be taken in selecting quotations to avoid quotations which are too antiquated. The primary purpose of these silent sermons is to instill character and so respect for the law.





The pupils' attention should never be called to the quotations -- "but the quiet work will go on and some time some one will say that it was the words of Theodore Roosevelt on the blackboard in the X high school, 'The law of worthy life is fundamentally the law of strife, and it is only by painful energy and grim effort that we move on to better things', that put iron into his soul and gave him a sense of values." (1)

A suggested list of fifty quotations suitable for use in a high school law classroom follows on pages 172 to 176.

7. Reason is the life of the law.

8. The law of worthy life is fundamentally the law of strife. It is only through labor and painful effort, by grim energy and resolute courage, that we move on to better things.

9. Where law ends tyranny begins.

10. The Law. It has bounded all. May we never fall.

11. The precepts of the law are: to live honestly, to do no injury to others, and to render every man his due.

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 109.





QUOTATIONS SUITABLE FOR USE IN A HIGH SCHOOL LAW CLASS

1. Laws are not masters but servants, and he rules them who obeys them.  
Henry Ward Beecher
2. It is only rogues who feel the restraints of law.  
J. G. Holland
3. The first great law is to obey.  
Schiller
4. Liberty, without wisdom, is license.  
Burke.
5. Ignorance of the law excuses no man.  
Selden
6. The law should be loved a little because it is felt to be just; feared a little because it is severe; hated a little because it is to a certain degree out of sympathy with the prevalent temper of the day; and respected because it is felt to be a necessity.  
Emile Fourget
7. Reason is the life of the law.  
Coke
8. The law of worthy life is fundamentally the law of strife. It is only through labor and painful effort, by grim energy and resolute courage, that we move on to better things.  
Theodore Roosevelt
9. Where law ends tyranny begins.  
William Pitt
10. The Law! It has honored us! May we honor it!  
Daniel Webster
11. The precepts of the law are these; to live correctly, to do an injury to none, and to render every man his own.  
Buckingham
12. When you define liberty you limit it, and when you limit it you destroy it.  
Brand Whitlock





13. I don't think much of a man who is not wiser today than he was yesterday.

Abraham Lincoln

14. All truth is safe and nothing else is safe; and he who keeps back the truth, or withholds it from men, from motives of expediency, is either a coward or a criminal, or both.

Max Muller

15. We have committed the Golden Rule to memory; let us now commit it to life.

Edwin Markham

16. Labor to keep alive in your breast that little spark of Celestial fire, -- Conscience.

Washington

17. Make yourself an honest man, and then you may be sure that there is one rascal less in the world.

Carlyle

18. When you get into a tight place and everything goes against you till it seems as though you could not hold on a minute longer, never give up then, for that is just the time and place that the tide will turn.

Harriet Beecher Stowe

19. Shallow men believe in luck, believe in circumstances. Strong men believe in cause and effect.

Emerson

20. Let them obey who know not how to rule.

Shakespeare

21. One common error misleads the opinion of mankind, authority is pleasant and submission painful. In the general course of human affairs, the very reverse of this is nearer to the truth. Command is anxiety, obedience is ease.

English Philosopher of  
the 18th Century

22. Not perfection as a final goal, but the ever-enduring process of perfecting, maturing, refining, is the aim in living.

John Dewey



13. I don't think much of a man who is not wiser today than he was yesterday.

Abraham Lincoln

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English Philosophers of the 18th Century

22. Not perfection as a final goal, but the enduring process of perfecting, maturing, refining, is the aim in living.  
John Dewey

23. The Golden Rule needs no moral justification; it is good business.

24. School is a social institution. And its processes are not different from the social processes that go on in the world outside.

John Dewey

25. The life of the law has not been logic; it has been experience.

Justice Holmes

26. Certainty is the mother of repose and therefore the common law aims at certainty.

Lord Hardwicke

27. Laws are not made for particular cases but for men in general.

Samuel Johnson

28. Laws are not made like nets -- to catch,  
But like sea-marks -- to guide.

Sir Philip Sidney

29. When reason fails, the law ceases.

30. That which by natural reason prevails among men is called the law of nations.

31. Obedience to law is liberty.

32. Despise not any man, and do not spurn anything; for there is no man that has not his hour, nor is there anything that has not its place.

Rabbi Ben Azai

33. Beauty is truth; truth, beauty.

Keats.

34. Let us endeavor so to live that when we come to die even the undertaker will be sorry.

Mark Twain

35. The world is blessed most by men who do things, and not by those who merely talk about them.

James Oliver

36. It may make a difference to all eternity whether we do right or wrong today.

James Freeman Clarke





37. The darkest hour in any man's life is when he sits down to plan how to get money without earning it.

Horace Greeley

38. Speech is the index of the mind.

Seneca

39. Your sole contribution to the sum of things is yourself.

Frank Crane

40. We live in deeds, not years; in thoughts, not  
breaths;

In feelings, not in shadows on a dial.

We should count time by heart-throbs.

He most lives

Who thinks most, feels the noblest, acts the  
best.

Philip James Bailey

41. Manhood, not scholarship, is the first aim of education.

Ernest Thompson Seton

42. All truth is an achievement. If you would have truth at its full value, go win it.

Munger

43. Industry, economy, honesty and kindness form a quartette of virtues that will never be improved upon.

James Oliver

44. You cannot believe in honor until you have achieved it. Better keep yourself clean and bright; you are the window through which you must see the world.

George Bernard Shaw

45. He drew a circle that shut me out --  
Heretic, rebel, a thing to flout.  
But love and I had the wit to win;  
We drew a circle that took him in.

Edwin Markham

46. The Superior Person is clean. He loves cleanliness of mind as of body. He is not only clean but it makes you feel clean to be with him.

Frank Crane





47. Justice is the Greatest interest of mankind on earth!  
Daniel Webster

48. As it rarely happens that a man is fit to plead his own cause lawyers are a class of the community who, by study and experience have acquired the art and power of arranging evidence and of applying to the points at issue what the law has settled.

Samuel Johnson

49. Not so much to endeavor to teach these things fully to you as to induce you to learn them for yourselves.

Judge Curtis

50. Let knowledge grow from more to more.

the teacher or the pupils, although it is well that the practice be started by the teacher as a means of drawing out the pupils, getting them to ask questions.

These clippings should represent some question or principle of law, or present some legal problem which suggests research. This makes it possible to acquaint the pupil with many subjects which could not otherwise be touched upon in the course — and subjects which might often be of far more interest to the pupils than those they are required to study during the course. Furthermore, it affords an opportunity to train the power of selection and to elevate taste. "Our newspapers don't show what they are doing to our youth can be looked up like publications that are not worth — trash is simply more available, than is all." (1) After the pupils' selection

(1) H. A. Post, *History of the United States*, 1891, p. 101.  
S.C.T.A. Form 1000, 1901.





### The Bulletin Board

What equipment does the classroom need for use in connection with the classroom work? Perhaps the first requisite, and one which every school can have, is a bulletin board on which will appear current material dealing with the field of law. The most current source of such material is the newspapers. Clippings, with significant words or phrases underlined, may be brought in by either the teacher or the pupils, although it is well that the practice be started by the teacher as a means of drawing out the pupils, getting them to ask questions.

These clippings should represent some question or principle of law, or present some legal problem which suggests research. This makes it possible to acquaint the pupil with many subjects which could not otherwise be touched upon in the course -- and subjects which might often be of far more interest to the pupils than those they are required to study during the course. Furthermore, it affords an opportunity to train the power of selection and to elevate tasks. "Our newspapers don't know what they are doing to us; youth can be trained to like publications that are not trash -- trash is simply more available, that is all."(1) After the pupils' attention

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 108.





has been drawn to the clipping idea and their interest thoroughly aroused, the work may be extended to a clipping book project which will be spoken of later.

Also, there might be kept on this bulletin board legal research problems, of interest to the pupil, perhaps in some subject in law not to be covered in the course, which will lead or encourage the pupil to find the solution. Such a problem might be put on the board once a week, and used in connection with note book work referred to later. Make these research problems vital; choose questions of local interest. Use actual cases involving the problem whenever possible. For instance, a baby was bitten by a dog and died. Clip the article concerning the death of the baby and post it on the bulletin board. Put beside it the question, "Is every dog entitled to one bite, and every horse to one kick?" Watch the results.(1)

Should our young people be interested in the work of the legislature, the bills that are before it? Why not keep on the bulletin board copies of bills that are of interest to the community? The teacher will find pupils greatly interested many times -- "let them do

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 111.





propaganda work at home; they like to; and frequently the parents need it."(1) The progressive teacher will subscribe for copies of printed bills, at a cost of about \$10 a year, and thus secure much current material for classroom work.

If the teacher cannot take this subscription she need not remain in ignorance of the bills before the legislature as the current newspapers carry many articles regarding them. The Transcript alone, through its column "Monday on Beacon Hill", furnishes a very generous supply of such material. It would be very worth while to post this column on the bulletin board with those bills underlined which are of particular interest to the community.

The high school pupil of today spends many hours at the movies, in the theatre, and listening to the radio. What worth while work the teacher of law might do by calling to his attention, by means of lists on the bulletin board, moving picture attractions, plays which portray legal scenes or are of value along the lines of legal interest? Occasionally add comments about them; perhaps take the class as a body to see them. Just be sure that all suggestions have been indorsed by the teacher or some one whose judgment can be relied upon.

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 109.





Post on the bulletin board radio programs containing notices of lectures, talks to be given on questions relating to or suggesting law. Underline the particular feature -- then casually ask the class if any one heard such and such a broadcast. In a short time hands will begin to go up in answer to this question.

Another list, and one whose purpose should be to arouse interest in worthwhile reading, might contain articles in current magazines which are of value from a legal standpoint. Still another list could suggest books which depict a legal theory or principle -- "novels containing skillful trial scenes, novels which portray typical traits of lawyers and judges, novels in which points of law enter into the plots; or,.....biographies, the story of the lives of men who have played a part in the legal history of the world; and who can measure the influence of fine biography? The books (should be) not all heavy or all light."(1)

John H. Wigmore, Dean of the School of Law at Northwestern University, some years ago prepared a list of one hundred legal novels which he classified under four types of legal procedure. Since it is difficult to secure copies of this list, it has been included for whatever value and assistance it may be to any readers of this paper.

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 108.





# ONE HUNDRED LEGAL NOVELS

Compiled by John H. Wigmore  
Dean of the School of Law at Northwestern University

The novels listed below have been roughly classified into four kinds:

A. Novels in which some trial scene is described -- for example, a skillful cross-examination.

B. Novels in which the typical traits of a lawyer, judge or the ways of professional life, are portrayed.

C. Novels in which the methods of law in the prosecution and punishment of crime are delineated; and

D. Novels in which some point of law, affecting the rights or the conduct of the personages, enters into the plot.

In the list below these classes are indicated by the letters A, B, C, D. The indication is suggestive only; for the class of a particular novel is often a matter of difference of opinion. Pure detective stories have been omitted.

Aldrich, Thomas Bailey	Stillwater Tragedy	(C)
Allen, Grant	Miss Cayley's Adventures	(A)
Balzac, Honore de	Cesar Birotteau	(D)
	Cousin Pons	(B,D)
	Pere Gorior	(D)
	Lucien de Rubempre	(A,C)
	Lesser Bourgeoisie	(B,D)
	Gobseck	(D)
	Colonel Chabert	(B)
	Commission in Lunacy	(A,B)
	Last Incarnation of Vautrim	(C)
	Start in Life	(B)
	Marriage Contract	(D)
Beck, Louis, and Walte Jeffrey	First Fleet Family	(C)
Besant, Walter	St. Katherine's by the Tower	(A,B,C)
	For the Faith in Freedom	(A,B)
	Orange Girl	(A,B,C)
Blackmore, R. D.	Lorna Doone	(A)
Bulwer-Lytton, Edward	Eugene Aram	(A,C)
	Paul Clifford	(A,C)
Burnett, Frances Hodgson	DeWilloughby Claim	(D)
Caine, Hall	Deemster	(C,B)



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tion and punishment of crime are delineated; and
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the letters A, B, C, D. The indication is suggestive only;  
for the class of a particular novel is often a matter of  
difference of opinion. Pure detective stories have been  
omitted.

(C)	Stillwater Treason	Aldrich, Thomas Bailey
(A)	Miss Gayley's Adventures	Allen, Grant
(D)	Cesar Biotteau	Balzac, Honore de
(B, D)	Gossain Pons	
(D)	Pere Goriot	
(A, C)	Lucton de Rubempré	
(B, D)	Lesser Bourgeoisie	
(D)	Gobseck	
(B)	Colonel Chabert	
(A, B)	Commission in Lunacy	
(C)	Last Incarnation of Vautrin	
(B)	Start in Life	
(D)	Marriage Contract	
(C)	First First Family	Back, Louis, and
	St. Katherine's by the	Waite Jeffrey
(A, B, C)	Tower	Besant, Walter
(A, B)	For the Faith in Freedom	
(A, B, C)	Orange Girl	
(A)	Lorna Doone	Blackmore, R. D.
(A, C)	Eugene Aram	Bulwer-Lytton, Edward
(A, C)	Paul Clifford	
(D)	Dewilburghy Claim	Burnett, Frances Hodgson
(C, B)	Deemster	Caine, Hall

Collins, Wilke	Law and the Lady	(A,D)
Cooper, James Fenimore	Ways of the Hour	
	Redskins	(B,C,D)
	Satanstoe	(D)
	Chainbearer	(D)
Cox, E. M.	The Achievements of John Caruther	(C)
Craddock, Charles Egbert (Mary Murfree)	Prophet of the Great Smoky Mountains	(C)
Crockett, Samuel R.	Gray Mare	(A,C)
Crawford, Francis Marion	Sant Illario	(C,D)
Dickens, Charles	Barnaby Rudge	(C)
	Bleak House	(A,B)
	Old Curiosity Shop	(A,B)
	Oliver Twist	(A,C)
	Pickwick Papers	(A,B)
	Tale of Two Cities	(A,B)
Doyle, Arthur Conan	Micah Clarke	(A)
Dumas, Alexander	Black Tulip	(C)
	Count of Monte Cristo	(A,C,D)
	Marguerite de Valois	(A,C)
	Twenty years after Part 2	(A)
Eggleston, Edward	Mystery of Metropolisville	(A,B,C)
	Graysons	(A)
Eliot, George	Adam Bede	(A)
	Felix Hole	(A,B,C)
Erchman, E. and A. Chartrian	Polish Jew	(A)
Fransis, Karl Emil	Chief Justice	(A,B)
Fielding, Henry	Johnathan Wild	(C)
	Tom Jones	(C)
Fletcher, J. S.	Middle Temple Murder	(B,D)
Foote, Mary Hallock	John Bodewin's Testimony	(A)
Ford, Paul Leicester	Honorable Peter Sterling	(B)
Frederic, Harold	Damnation of Theron Ware	(B)
French, Alice (Octave Thanet, Pseud.)	Missionary Sheriff	(C,D)
Gaboriau, Emile	File No. 113	(C)
	Monsieur, Lecoq.	(C)
Goldsmith, Oliver	The Vicar of Wakefield	(C)
Gould, S. Baring	Broom Square	(A,B,D)
Grant, Robert	Law Breaker	(D)
	Eye for an Eye	(A,B,C)
Grant, Charles	Stories of Naples and the Camorra	(C)
Gray, Maxwell, pseud.	Silence of Dean Maitland	(A,D)
Haggard, H. Rider	Mr. Meeson's Will	(A,B,D)
Hale, Edward Everett	Philip Nolan's Friends	(A)
Harte, Francis Bret	Gabriel Conroy	(A)





Hawthorne, Nathaniel	Scarlet Letter	(C)
Herrick, Robert	Common Lot	(A)
Hill, Fredrick Trevor	Tales out of court	(A,B)
Holland, Josiah Gilbert	Sevenoaks	(A,D)
Howells, William Dean	Modern Instance	(A,D)
	Les Miserables	(A,C,D)
	Ninety-three	(C)
	Man who laughed	(C)
James, George, P.R.	Morley Ernestien	(B,C)
Kingsley, Henry	Austin Elliot	(A,D)
Le Ramee, Louise de la		
(Ouida, pseud.)	Under Two Flags	(A)
LeSage, Alain R.	Gil Blas	(C)
Mitchell, S. Weir	Constance Trescott	(A,B,C)
O'Reilly, John Boyle	Moondyne	(C)
Page, Thomas Nelson	Red Rock	(D)
Parker, Gilbert	Right of Way	(A)
Read, Opie	Tennessee Judge	(B)
	Jucklins	(A,B)
Reade, Charles	Griffith Gaunt	(A)
	Never too late to mend	(B,C)
	Hard Cash	(A,B,C)
Scott, Walter	Anne of Geierstein	(A,C)
	Fortunes of Nigel	(C,D)
	Guy Mannering	(A,B,C,D)
	Heart of Midlothian	(A,B,D)
	Fair Maid of Perth	(A)
	Antiquary	(B,D)
	Ivanhoe	(A)
	Peveril of the Peak	(A)
	Quentin Durward	(C,D)
	Redgauntlet	(B,D)
	Rob Roy	(B,C)
Sienkewicz, Hendryk	Comedy of Errors	(A)
Stevenson, Robert Louis	Kidnapped; with its sequel,	(B,C)
	David Balfour	(B)
	Weir of Mermiston	(D)
Stimson, Fredric J.	Residuary Legatee	(D)
Stockton, Frank R.	Late Mrs. Null	(B)
Thackery, William M.	Pondennis	(A,B,C,D)
Tolstoi, Leo N.	Resurrection	(A,B,C,D)
Train, Arthur	Tut and Mr. Tutt	(A,B,C,D)
	By Advice of Council	(A,B,C,D)
	As it was in the beginning	(B)
	Page Mr. Tutt	(A,B,C,D)
	Blind Goddess	(A,B,C)
	Hermitt of Turkey Hollow	(A,B,D)
Trollipe, Anthony	Orley Farm	(A,B,C,D)
	Mr. Maule's Attempt	(A,C,D)
	Vicar of Bullhpton	(A)
Twain, Mark (Samuel Clemens)	Pudd'nhead Wilson	(B)
Warren, Samuel	Ten Thousand a year	(A)
Weyman, Stanley	Francis Cludde	(A)
	My Lady Rotha	(A)
	Man in Black	(A)
Woolson, Constance F.	Anne	(A)
Zangwill, Isaac	The Big Bow Mystery	(A,C)



Hawthorne, Nathaniel  
Herrick, Robert  
Hill, Frederick Trevor  
Holland, Josiah Gilbert  
Howells, William Dean

James, George, P.R.  
Kinsley, Henry  
Le Ames, Louise de la  
(Ouida, pseud.)  
Lesage, Alain R.  
Mitchell, S. Weir  
O'Reilly, John Boyle  
Page, Thomas Nelson  
Parker, Gilbert  
Read, Opie

Reade, Charles

Scott, Walter

Stenwick, Hendryk  
Stevenson, Robert Louis

Stimson, Fredric J.  
Stockton, Frank R.  
Thackeray, William M.  
Tolstoi, Leo N.  
Train, Arthur

Trollope, Anthony

Twain, Mark (Samuel  
Clemens)  
Warren, Samuel  
Weyman, Stanley

Woolson, Constance F.  
Zangwill, Isaac

Scarlet Letter  
Common Lot  
Tales out of court  
Sevenson's  
Modern Instance  
Les Miserables  
Mystery-three  
Man who laughed  
Morley Ernestian  
Austin Elliot

Under Two Flags  
Gil Bias  
Constance Trescott  
Moonshine  
Red Rock  
Right of Way  
Tennessee Judge  
Jockins  
Griffin Aunt  
Never too late to mend  
Hard Cash

Anne of Geierstein  
Fortunes of Nigel  
Guy Mannering  
Heart of Midlothian  
Fair Maid of Perth  
Antiquary  
Ivanhoe  
Peverell of the Peak  
Queen's Purward  
Redgauntlet  
Rob Roy  
Comedy of Errors  
Kidnapped; with its sequel

David Gairdour  
Weir of Hermiston  
Resignary Lassie  
Late Mrs. Wull  
Pomona's  
Resurrection  
Tut and Mr. Tutt  
By Advice of Counsel  
As it was in the beginning  
Page Mr. Tutt  
Blind Goddess  
Hermit of Turkey Hollow  
Gray Farm  
Mr. Wauler's Attempt  
Vicar of Bulphington

Pudd'nhead Wilson  
Ten Thousand a Year  
Francis Clingbe  
My Lady Rother  
Man in Black  
Anne

The Big Bow Mystery

Many books have been written since this list was published which are also of value to the pupil of law and, of course, Dean Wigmore's list did not include all the books which might be suggested for reading by high school pupils. With this thought in mind, the writer secured permission to use the Social Law Library in Boston and there she found many books that might be added to the list. A second list has, therefore, been included. (Page 185)

But the field is still wide open and teachers of law will find many other books which they may recommend to their pupils. It is assumed, of course, that the teacher will read and approve any book before she recommends it to the class so that she may suggest the type of legal theory or principle that the pupil should look for.





ADDITIONAL SUGGESTED BOOKS PERTAINING TO LAW

<u>Author</u>	<u>Title</u>
Abbott	Famous Trials
Aide	The Travelling Law School
Beck	Gleam in the Darkness
	Constitution of the United States
Bochard	Convicting the Innocent
Brown	Forty Years at the Bar
	The Web
Butterworth & Co.	Forensic Fables (series)
Cheltman	Shadow of a Crime
Darling	You and the Law
Dickens, Thomas H.	The Red Robe
Dreiser	An American Tragedy
Eggleston	The Hoosier Schoolmaster
Enander	On the Trail
Fisher	The True Daniel Webster
Galsworthy	Justice
	Show
Garnett	Trial of Jeanne d'arc
Gilbert	Trial by Jury
Golden	Precedent
Goodwin	Caleb Williams
Green	House of Whispering Pines
Guild	Living with the Law
Hall	For the Defense
Hill	Lincoln as a Lawyer
Howe	The Children's Judge
Inchbald	Nature and Art
Jenks	A Short History of English Law
Keeler	Amazing Web
Kipling	Puck of Pook's Hill
Lunt	The Road to the Law
Lyall	The Two Miss Jeffreys
McConaughty	Madame X
Pound	The Spirit of the Common Law
Post	Man of Last Resort
	Strange Schemes of Randolph Mason
Puverman	We the People
Riis	Theodore Roosevelt the Citizen
Shakespeare	Merchant of Venice
Tautphoeus	Cyrilla
Thomas	Nemesis



# ADDITIONAL SUGGESTED BOOKS PERTAINING TO LAW

<u>Author</u>	<u>Title</u>
Abbot	Famous Trials
Albee	The Travelling Law School
Beck	Glean in the Law
Bochard	Constitution of the United States
Brown	Convincing the Innocent
Butterworth & Co.	Forty Years at the Bar
Chalmers	The Web
Darling	Forensic Rhetoric (series)
Dickens, Thomas H.	Shadow of a Crime
Dreiser	You and the Law
Edgerton	The Red Robe
Emmerson	An American Tragedy
Fisher	The Hoosier Schoolmaster
Galsworthy	On the Trail
Garnett	The True Daniel Webster
Gilbert	Justice
Golden	Show
Goodwin	Trial of James D'Arcy
Green	Trial by Jury
Guild	Precedent
Hall	Caleb Williams
Hill	House of Whispering Tines
Howe	Living with the Law
Inchald	For the Defense
Jenks	Lincoln as a Lawyer
Keefer	The Children's Judge
Kipling	Nature and Art
Lunt	A Short History of English Law
Lynn	Amazing Web
McCormack	Back of Book's Hill
McConaughy	The Road to the Law
Post	The Two Miss Jellies
Pound	Madame X
Shakespeare	The Spirit of the Common Law
Thomas	Man of Last Resort
Tatopoulos	Strange Schemes of Randolph
Verne	Mason
Wells	We the People
Wells	Theodore Roosevelt the Citizen
Wells	Merchant of Venice
Wells	Cynthia
Wells	Wegans

<u>Author</u>	<u>Title</u>
Train	Ambition Confessions of Artemas Quibbler True Stories of Crime When Tutt Meets Tutt Prisoner at the Bar On the Trail of the Bad Men Adventures of Ephraim Tutt
Trollipe	Phineas Redux
Turner	Legal T Leaves
Tuttielt	The Last Sentence
Warren	The Experiences of a Barrister Confessions of an Attorney Attorney in Search of Practice
Wellman	A Day in Court
Williams	Leaves of a Life
Wood	East Lynne
Zane	The Story of the Law





After the class has gotten under way, one section of the bulletin board, or a separate board if it can be arranged, should be reserved for the display of work done by the pupils, such as clipping books, pages from their notebooks, special projects worked out by the class. This serves as a great incentive to the pupils and affords the teacher a very simple means of encouraging good work even in the simplest of assignments.

In the same section might also be displayed charts and forms which have been used or referred to during the teaching of certain subjects. For instance, a survey of the county, or local maps showing the location of the courts and their relationship to each other would be of vital interest during the discussion of how the law is enforced. Legal papers such as writs, deeds, mortgages, bills and notes, bills of sale, leases, wills, pleadings in cases -- showing always the form used in the particular state in which the school is located -- may be kept on the bulletin board as they are discussed in class or perhaps as situations arise in the community which involve the use of certain legal forms.

Along the same idea, but separate from the bulletin board, there should be some means of displaying enlarged charts, etc. to be used for demonstration during





class discussions. It is not impossible today to find some one only too glad and willing to work up charts to fit the needs of teachers -- and many times to do them with practically no cost to the school or to the teacher. With the growth of visual aids in teaching, it undoubtedly will not be too long before apparatus will be available for the throwing of diagrams and slides on a screen. This would, of course, be far more effective than the use of charts as suggested here.

The effectiveness of any bulletin board will depend largely on its general appearance. Above all, it must be kept neat and attractive and the material should at all times be of current interest, not only to the class but to the community where the school is located.

Along the same thought, it must, of course, be remembered that even such little things as clean blackboards, properly adjusted window shades, and carefully arranged furniture will do much to transform an otherwise bare room into a place where pupils will like to work.

#### The Law Library

A small working library of law reference books is of much value and assistance(1) and in fact an actual

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(1) Peters Pomeroy, Teacher's Manual, Commercial Law - Revised, Second Edition, p. 6.





necessity if the teacher of law is to become proficient in each particular topic as he presents it to the class.(1) But why not share the law library with the law class! It would generally be a simple matter to secure space for such a library, but difficult to get the material, which can be but limited, without the whole-hearted support and endeavor of the teacher.

If there is a school library much reference material will undoubtedly be available there, but if it can be so arranged, as many books and magazines as possible should be kept in the classroom where law is taught. This will involve the provision of tables and book cases in which the material may be kept, but the results secured will be well worth the expense involved.

On one table there should be legal publications to which the pupils may refer, such as

Law Society Journal  
The Law Student  
The Docket  
The Executive  
Case and Comment  
Spotlights  
The Clearing House  
The Commercial Law Review  
The Business Law Journal

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(1) Kahn and Klein, Principles and Methods in Commercial Education, p. 335.





There should also be available copies of any current or educational magazines that contain articles pertaining to law and to which the pupils' attention should be called.

The Balance Sheet  
 The American Penman  
 The Business Educator  
 The Journal of Commerce  
 Corporation Journal  
 Business  
 System

School Review

Saturday Evening Post

Any of the current weekly or monthly  
 magazines that contain articles  
 of interest to the law class.

Copies of any miscellaneous publications such as "The Citizens' Guide", "Manual for Massachusetts Voters", "Bulletin of Committee Work and Business of the Legislature" should also be there. Acquaint the pupils with current publications which will tell them what is going on in their community, in their country. Generally teachers can secure material at little or no expense from publishing houses, the state house, banks, industrial organizations, and civic organizations interested in the promotion of good citizenship.

Many government publications relating to state and Federal laws may be secured free or for only a small sum from the Government Printing Office at Washington, D.C. For example, some of the more important Federal laws of interest and value to teachers of law are





1. Banking and Currency; National Bank Act, Federal Reserve Act, Farm Loan Act, and all the recent banking acts.
2. Employers and Employees engaged in Interstate Commerce; Safety Appliance Act, Employers' Liability Act, Mediation and Arbitration Act.
3. Bankruptcy Act. Copyright Act, Patent Laws, Trade-Mark Act.
4. Interstate Commerce Regulation for Protection of the Public; Interstate Commerce Act, Bills of Lading, Liability of Carriers, Transportation Act.
5. Sherman Anti-Trust Act, Trade Commission Act, Clayton Act, Webb-Pomerene Act.

Besides the Federal laws, there are many state laws and legislative acts which are of value and interest to the teacher of law, such as

1. State Bank and Trust Companies; Insurance Companies; Railroads and Public Utilities.
2. Business Corporations; Foreign Corporations; Limited Partnerships; Blue-Sky Laws.
3. Fictitious Names Act; False Statement Act; Bulk-Sales Act.
4. Landlord and Tenant; Statute of Limitations; Liens of Mechanics and Materialmen.
5. Chattel Mortgages; Conditional Sales; Interest and Usury Statutes; Statutes of Fraud; Negotiable Instrument Laws; Uniform Sales Law.

One section of the bookcase should be reserved for Blue Books, General Laws, Corpus Juris, Ruling Case Law, The Tercentenary Edition of 1932, State Reports, miscellaneous





textbooks -- any miscellaneous reference books that may be mentioned in class and with which pupils should be familiar, as well as those which the teacher needs for his own use. Many books may be borrowed from the regular school library or from the local public library if they cannot be secured otherwise.

In general, the following types of reference books should be included in the law library, with as many different books on each subject as it is possible to secure.(1)

1. A series of standard texts on different phases of the law, which are of general interest and value for reference and further study, such as(2)

Ballantine	on Corporations
Bigelow	Bills, Notes and Checks
Brannan	Negotiable Instruments Law
Burdick	Selected Cases on the Law of Partnership
Chapin	Handbook on the Law of Torts
Childs	Principles of the Law of Personal Property
Childs	On Sales
Clark	Handbook of the Law of Contracts
Cook	On Corporations
Clark	Handbook of the Law of Private Corporations

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- (1) Kahn and Klein, Principles and Methods in Commercial Education, pp. 335-337.
  - (2) All lists compiled from bibliographies in books used for reference and listed in the bibliography at the end of this paper.





Elliott	On Bailments
George	On Partnership
Hale	Handbook on the Law of Damages
Huffcut	Cases on the Law of Agency
Lawson	On Bailments
Lawson	Principles of the American Law of Contracts at Law and in Equity
Mechem	Outlines of the Law of Agency
Pollock	On Contracts
Pomeroy	Business Law
Schaub and Isaacs	Law in Business Problems
Sedgwick	Treatise on the Measure of Damages
Spencer	General Law of Suretyship
Taylor	Treatise on the Law of Private Corporations
Tiffany	Handbook of the Law of Sales
Tiffany	Law of Real Property and Other Interests in Land
Vance	Cases on the Law of Insurance

If it is not possible to secure many of these books, one book which is recommended is a Manual of Elementary Law by Fishback; another set of authoritative texts which are recommended is the Hornbook Series.

2. A series of case books on different subjects, such as

Scott	Prize Cases Decided in the Supreme Court
Williston	On Contracts
Ames	On Bills and Notes
Reed	Cases on Commercial Law
Skar	Cases in Commercial Law
Bays	Cases in Commercial Law

Such books enable the teacher to read occasionally to the pupils authoritative decisions on certain points in the language of the court and also brings the pupils nearer to the sources of law.





3. An encyclopedia of law, if funds are available, such as

Black's	Law Dictionary
Bouvier's	Law Dictionary
Spencer's	Law Cyclopedia

4. A collection of secondary school law textbooks to be used for supplementary work and comparative purposes; also to emphasize topics not covered adequately in the text adopted for class use.
5. A collection of the latest edition of state statutes or codes of the state in which the law class is being conducted; also the latest Supreme Court Decisions in the state where the school is located.

In another section of the bookcase there should be books chosen from the lists referred to on page 180. Pupils cannot be expected to read the books suggested in class or posted on the bulletin board unless they are made readily accessible to them. And it is not to be doubted that the teacher of law could work with the teacher of English in using such books for book reports and reading in the English classes. The young people of today read so much that every opportunity should be taken to suggest worth while material to them. And principles of law brought out in a good story will be remembered far longer than if merely stated in cold, technical language in a textbook. The teacher must, of course, choose the books with the greatest of care and recommend only those which





he has read and approved himself or which have been recommended to him by competent authority.

Besides having such reference material available, the teacher should secure the co-operation of the librarian; get her to suggest books; also make arrangements for pupils to secure from the public library material which cannot be placed in the school library. Every law teacher should also enlist the acquaintance of several lawyers who will help him secure reference material for his class and will often allow him access to their private libraries, as well as give advice on points of difficulty.





## CHAPTER XIII

### EFFECTIVE TEACHING PROCEDURE

"Not so much to endeavor to teach these things fully to you as to induce you to learn them for yourselves."

---Judge Curtis

### METHODS OF PRESENTATION

There are five methods of instruction which may be used in the teaching of law -- the lecture method, the recitation method, the discussion method, the case method, and the textbook method. Which method can best be used depends on several factors -- the teacher's ability, the content of the textbook, supplementary material available, ability and interests of the pupil, and general school conditions. Undoubtedly a combination of methods will be used in most cases, however, as any one method or regular routine tends to kill the interest and enthusiasm of the class.

The lecture method, whereby the entire period is taken up by the teacher lecturing to the class, should be used sparingly, if at all, in the high school. Notes taken by high school pupils are incomplete, incoherent, and of little value because the pupils are unable to separate the essential from the non-essential and arrange facts in logical order; nor are they able to grasp facts





and principles as quickly as is necessary. They can not concentrate long enough to absorb the material and so their interest wanes.(1) Furthermore, this method lacks pupil activity, even pupil thinking, which is the basis of all real learning. It is therefore, the poorest teaching method of all when used alone. Seniors in high school, particularly those going on to college, will like a little lecture work, but such lectures should be short, well organized and not used too often.

Under the recitation method, sometimes called the topic method, the pupil may be given a topic to discuss or a problem to solve, preparation generally having been made ahead of time. The pupil then recites or repeats what he has learned. This method is often used by inexperienced and untrained teachers. While it is a very effective means of testing a pupil's knowledge and of stressing points that need additional emphasis, it becomes monotonous and fails to maintain interest and stimulate the best efforts of the class if followed too closely and, therefore, should be used in combination with some other method. It also has the limitation caused by the pupil being too immature to discover only the essential facts

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(1) Miller, Methods in Commercial Teaching, p. 127.





and the teacher must be a very efficient leader to make this type of instruction worth while to the class as a whole.

The discussion method, or so-called socialized recitation method, is undoubtedly the most effective single method of teaching law to a high school class. Its aim is to develop a general discussion of the topic or question under consideration. Because the subject of law can be so closely related to the pupils' every day life, their interest and enthusiasm is sure to be aroused if they are given an opportunity to take part in a discussion. Under this method the teacher may state the facts of a case and call for opinions as to its decision. Under the leadership of the teacher the pupils pick out the point at issue, decide upon the principle of law that applies, and then give the decision and reasons for that decision. This method implies the previous study of the principles to be developed, but achieves the maximum efficiency when supplemented by a generous provision of problem cases for application of the principles discussed.

Some teachers will avoid this method because of the danger of a child asking a question which the teacher can not answer. Here, however, is where the teacher must use tact and yet the explanation is a simple one -- even





the most able lawyer often says, "I will look it up and let you know." Or, the question can be turned into a problem for the class to look up. Pupils should be encouraged to bring questions from their own experiences to class for discussion and the teacher must fortify herself against the time when the answer needed will not be "on the tip of her tongue".(1)

The case method is an inductive method whereby the pupil arrives at the rule of law through the study of numerous cases and their decisions. It is based upon the Herbartian steps(2) and apparently is sound in principle in that it proceeds from the known to the unknown. Situations are presented in the form of cases and the class is expected to formulate principles from the observations and subsequent discussions.

Available case books are too heavy for use in secondary schools, however, and tend to result only in confusion on the part of the pupil. Furthermore, high school pupils are not capable of making the fine distinctions that are necessary to succeed with this plan. And again, this method cannot be used alone because of the length of

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(1) Miller, Methods in Commercial Teaching, p. 128.

(2) Jones, Teaching Business Subjects in the Secondary School, p. 225.





time needed to cover all the points of law in this way. It should be used only in teaching the broadest and most important principles, some other method being used for the teaching of minor points and "exceptions". For this reason the modified case method is used in high school law instruction, cases being used only as illustrations of principles of law or as a means of furnishing drill in applying the principles of law used.

The textbook method, in which the textbook is followed very definitely with little outside work, is a deductive method by which the pupils study a principle first and then apply the principle to cases illustrative of the principles involved. Certain situations are set forth in simple language, the need for the law is shown, and then how the law has met that need. This method is not to be recommended for exclusive use, although it is valuable particularly in half-year courses because of the limitation of time. It is generally used by teachers with little preparation and experience but has a tendency to be dry and narrow. A better method is the textbook-problem or pupil-teacher method.

Under the textbook-problem method a good textbook is used as a background. Problems involving the subject matter covered are presented to the pupil to solve,





his solution being based upon his own knowledge of law. The teacher checks the pupil's solution and either approves or disapproves, showing the correct solution based on authorities. This method causes the pupil to do some original thinking, but requires a teacher with adequate preparation and experience. It also gives the pupils abundant practice in the application of rules to problems, thus furnishing both necessary drill and material for discussion that is so important in developing the pupil's mind. Care must be taken that the problems do not involve too many complicated questions of law. They should be simple and definite at the beginning of the course, increasing in difficulty as the work advances.(1)

### Summary

No one method should be used to the exclusion of all others; each has its own place in the course and can be used to advantage. The Texas State Course of Study summarizes as follows the particular use to which each of these methods of instruction may be put, at the same time pointing out that a combination of methods should always be used -- no one method will do, and a change adds interest to the course.

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(1) South Dakota, Commercial Course of Study for Secondary Schools, p. 137.





"The textbook method may be used to give the student certain principles in a short time.

"The recitation method may be used to find out how well understood the text is and to find points and words to be explained more fully in class.

"The lecture method may be used to supplement the text, reference books, personal experiences, or special materials.

"The case book method enables the student to apply the principles that he has acquired from the text, the recitation, the lecture, or other sources.

"The discussion of the cases brings in the socialized recitation which is an excellent method to create interest. This method gives the student an opportunity to use his judgment in giving a decision. He must give a sound reason for every case he answers. His reason must be based on the recognized principles of commercial law after he has decided on the point involved in the case. Care must be exercised in keeping out foreign discussions without killing interest."(1)

Whatever method of instruction is used, it must be one that will draw out the pupil, make him think, give him an opportunity and a desire to express himself. It must interest the student. One writer has said that not more than 25% of the class period should be spent on lecturing by the teacher; at least 50% should be devoted to the solution of problems by the students; and the remaining

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(1) Texas High Schools, The Teaching of Commercial Subjects, p. 60.





25% can well be spent "going over the results and straightening out the kinks in the application of the rules."(1)

The skillful teacher will vary and combine all the methods suggested. "Regular routine will kill the interest and enthusiasm of a class in commercial law and the wise teacher will sense the situation and know when the plan or method should be changed or varied. A very slight change or variation will do wonders sometimes."(2)

#### PLANS OF STUDY

Besides methods of presenting a subject to a class, writers often speak of plans of study used to cover the material in a course. The three most common plans of study are the unit plan, the contract, and the recitation plan. Some writers speak of the use of projects and visual aids as a plan of study but these are merely teaching devices which may be used equally well with any established plan.(3) The use of projects and visual aids in the teaching of law is treated in Chapter XV.

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(1) The Balance Sheet

(2) Miller, Methods in Commercial Teaching, p. 129.

(3) R. G. Walters, Modern Methods of Teaching Commercial Subjects, p. 25.





### The Unit Plan

Law lends itself particularly well to the unit plan of study whereby the material to be covered in the course is divided into logical teaching units, each unit to be mastered before the next unit is begun. By mastery is meant learning fully and completely, not merely by memorizing the facts within the unit but by readjusting oneself or changing one's "attitude" of appreciation or attitude of understanding.(1) In the study of contracts, for example, the question is, has the student the right attitude toward the underlying principles of contracts, or toward fulfilling one's contracts.(2)

Suggested units in law are:(3)

Contracts	Master and Servant
Negotiable Instruments	Partnership
Guaranty and Suretyship	Corporation
Personal Property	Insurance
Bailments	Real Property
Common Carriers	Torts
Agency	Business Crimes

Mr. Walters, an authority on the teaching of commercial subjects, has outlined Negotiable Instruments as a typical unit in commercial law. It is quoted here to illustrate the plan of study followed under the unit plan.

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(1) R. G. Walters, Modern Methods of Teaching Commercial Subjects, p. 6.

(2) Ibid., p. 6.

(3) Ibid., p. 14.





## TYPICAL UNIT IN COMMERCIAL LAW

### UNIT:

#### NEGOTIABLE INSTRUMENTS

This unit will naturally include a study of the nature of negotiable instruments; the negotiable instruments law; kinds of negotiable instruments, including bills of exchange, notes, and checks; forms of negotiable instruments; indorsements; and defenses.

If a very intensive course in commercial law is given, it might be possible to consider some of the subtopics listed above as separate units. In the average high school commercial course, however, it is questionable whether any of these subtopics will be given sufficient study to affect the students' attitude. This unit will probably include several chapters in the average high school text.

Exploration. The pretest should show the students' concept of a negotiable instrument. It should also show whether he has come in actual contact with any negotiable instruments, and finally it should show whether he is familiar with the arithmetical calculations, such as interest and bank discount, used with negotiable instruments.

Time: A full period may be devoted to the exploratory work.

Presentation. The teacher must be careful in presenting the unit, "Negotiable Instruments," not to attempt to cover all the details ordinarily explained in the text. Rather he should endeavor to give the class a clear understanding of the nature of negotiable instruments and of the Negotiable Instruments Law.

The presentation of this subject may cover more than one period; hence, a special effort must be made to arouse student interest in the unit. To do this, the teacher may distribute blank checks,





notes, and bills of exchange among the members of the class. These may be obtained from local banks. The teacher may also use a projector to throw various negotiable instruments upon a screen. In fact, the presentation of negotiable instruments affords an especially good opportunity for the use of visual aids.

An objective test of the presentation may be given during the last ten or fifteen minutes of the second class period. If necessary, the teacher should re-present the material during the next class period. Those students who show an understanding of the presentation may at once begin the assimilation work.

Time: One or two periods.

Assimilation. Chapters in the textbook devoted to negotiable instruments should now be carefully studied by the class. Written answers to questions and case problems may be required. The teacher may collect these problems at intervals during the assimilation period.

During the last class period devoted to assimilation, an objective test may be given to determine whether members of the class have mastered the unit.

Time: Seven full periods.

Organization. If the assimilation test shows that the unit has been mastered, the class may be assembled. An outline of the unit may be prepared jointly by the teacher and the students.

Time: One full period.

Recitation. The class should be assembled once more for recitation. Individual members may be required to go to the front of the room and recite the subtopics.

Time: One full period.(1)

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(1) R. G. Walters, Modern Methods of Teaching Commercial Subjects, pp. 13,14.





### The Contract Plan

C. M. Yoder has stated the theory of the contract plan of study as follows:

"The theory of this plan involves the laying out of a rather definite piece of work to be done. The pupils, in a sense, contract to do a given piece of work rather than master a new problem. The doing seems to be the spirit rather than the objective of learning as a result."(1)

The contract plan differs from the unit plan in that in the latter mastery is the goal and the class does not progress until a unit is mastered, while in the former the plan arbitrarily assumes that a pupil learns by satisfactorily completing a contract.(2) The amount of work satisfactorily completed determines the grade to be received. A guide sheet is made up showing the amount of work which must be completed to receive a grade of D, the amount necessary to receive a grade of C, of B, and of A.

For example, in the study of Bailments, a grade of D might require the studying of one or more chapters on Bailments in the textbook, the reading of one or more

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(1) R. G. Walters, Modern Methods of Teaching Commercial Subjects, p. 15.

(2) Ibid., p. 15.





supplementary references, the preparation of an instructional test on Bailments, and the writing out of answers to questions and decisions on cases given in the textbook or on the guide sheet. A grade of C might require the reading of additional references, the completion of additional written exercises, and the deciding of additional cases. And so for grades of B and A, the completion of still more work would be required.(1)

The contract plan of study has limitations when used in the study of any subject, but it is particularly unsatisfactory in the study of law because the pupil is thrown so largely on his own resources. To be sure, it allows for individual differences by providing varied amounts of work to be completed, and the teacher has more time to spend with the poorer pupils since the better pupils will need little individual attention. But the plan lacks the opportunity for frequent class discussions which are so important in the study of law and the teacher does not have the opportunity to keep up the interest and enthusiasm of the class by injecting his own experiences into the class discussion.

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(1) R. G. Walters, Modern Methods of Teaching Commercial Subjects, p. 16.





Furthermore, it is difficult to plan contracts of work to be completed for each grade -- D, C, B, A -- in the various units of the law course and it also requires an expert teacher to do it. The contract plan of study, therefore, is not recommended for use in the study of law.

### Recitation Plan

Little need be said about the recitation plan of study as it involves the same principles as the recitation method of instruction mentioned on page 197. The course is divided into topics which are assigned to the class for study. The lesson for the day is then centered around the assignment made the previous day, which assignment embraces as nearly as possible one complete topic or set of related topics. In reality, there is no difference between the recitation plan of study and the recitation method of instruction. Therefore, the advantages and disadvantages claimed for the recitation method of instruction on page 197 apply equally as well to the recitation plan of study.

### Topical Plan

Ralph E. Schenck, Head of the Commercial Department of the High School in Valparaiso, Indiana, recently tried out what he called a topical plan of study in a law





class.(1) It is similar to the contract plan of study. The course is divided into topics, with one week generally being devoted to each topic. The requirements for each topic are based upon three standards -- minimum, medium, and maximum.

In general, the discussion method of instruction is used, a short lecture on the nature of the topic being given by the teacher at the beginning of the week and a half a period devoted to "Question Day" at the end of the week. At the close of the study of each topic an objective test and an essay test are given, the objective test being given to test the pupil's ability to think quickly and accurately and the essay test to test his ability to weigh judgments.

This plan was designed to provide for differences in individual mentalities and capacities of pupils. Its purpose is to give credit where credit is due and, at the same time, to give the superior pupil an opportunity to extend his study if he is interested in doing so.(2)

Each pupil is given a pamphlet containing an outline of the work to be done under each topic studied

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(1) R. G. Walters, Modern Methods of Teaching Commercial Subjects, p. 266.

(2) Ibid., p. 266.





in the course. The following sample page taken from this study guide illustrates briefly the method used.

#### I. SUBJECT MATTER

1. Consideration
2. Statute of Frauds

#### II. REQUIREMENTS

1. Minimum
  - A. Readings
    - (a) Peters and Pomeroy, pp. 60-73
    - (b) Whigam, pp. 43-52
  - B. Written work
    - (a) Cases 40-48 in P. & P. on pp. 67-8
    - (b) Cases 49-55 on pp. 75-6
2. Medium
  - A. Readings
    - (a) Gano, pp. 39-56
    - (b) Whigam, Cases 5-9, p. 329
3. Maximum
  - A. Written work
    - (a) Ten questions in Peters and Pomeroy on pp. 65-6
    - (b) Ten questions in Peters and Pomeroy on pp. 75-6

III. PROJECT: Draw up a contract to work as bookkeeper for a period of one year, beginning one month from the beginning of next month.

#### IV. GENERAL QUESTIONS

1. What is the meaning of "a gift with a string tied to it?"
2. What is a moral consideration?

V. Know the legal meaning of the following:

1. Administrator
2. Executor
3. Perjury
4. Liquidated debt

#### IV. SUGGESTIVE IDEAS FOR OBJECTIVE TEST





1. True or False: A promise of a gift is binding. (False)
2. Yes or No: Does a promise to marry need to be in writing? (No)
3. Completion: One appointed in a will to distribute an estate is known as an..... (executor).
4. Change one word to correct the following sentence: The Statute of Frauds is an act for the prevention of frauds and marriage. (Substitute perjury for marriage).
5. Other tests constitute, matching, association, multiple choice, cases, etc.(1)

### New Experiment

An experiment is now being tried out whereby law is taught in connection with the shorthand course. Details of the course are not yet available but it appears to be merely a plan for building a legal vocabulary so that the future secretary will be familiar with the legal terminology and forms used in the business world. This could hardly be called a course to teach the fundamental principles of the law and, therefore, no time has been spent in studying the proposition.

### The Classroom Period

Very briefly, the classroom period may be divided into six parts. The first task is to secure the attention of the class. This may be done by means of

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(1) R. E. Schenck, An Experiment in the Teaching of Commercial Law, The Balance Sheet, February, 1933, p. 267.





rapid-fire questions, short one-word tests, the use of drill cards, or short paragraphs in which missing words are to be inserted.

After the class has settled down to work the previous day's work should be reviewed, in order to fix in the minds of the pupils the important principles of the preceding lesson. This may be done either by means of oral or written questions, the solution of cases involving the principles learned, or a summary, oral or written, of the last lesson.

Then comes the presentation of the new material. It is always wise to place on the blackboard an outline of the work to be covered which the pupils will copy, or to give them a mimeographed outline which they may put in their notebooks. The important thing to be remembered here is that the pupils must be encouraged to take part in the discussion. The teacher must not do all the talking even when presenting a new subject. After the new material has been covered the teacher should summarize the important points in the new lesson. Or, this may be done by one of the pupils, the teacher filling in the gaps.

Then the assignment for the next day should be made. There is some controversy as to whether this should be done at the beginning or end of the period. But





regardless of when the assignment is made, advanced work should never be assigned in law. Always go over the work in class, bringing out the purpose of the lesson and the essential points to be studied, as well as suggesting methods of study.(1) It is a good plan occasionally to assign questions or cases to the class or certain members of the class to be looked up and reported on, and from time to time special topics not included in the text may be so assigned.(2) "To plan the work ahead and to raise questions that will leave the class eager to investigate and curious to find out the answer is a real triumph of teaching."(3)

At the end of the period, or before the new material of the day is presented, the teacher should ask for reports on any special assignments that have been given to the class as a whole or to individual members of the class.

Can even this routine work of the class period be vitalized -- made to live for the pupils? One has only to read the following quotation to learn the answer --

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- (1) New York, Syllabus in Commercial Subjects, Commercial Law, p. 35.
  - (2) Teacher's Manual, Gano's Commercial Law -- Revised, p. 14.
  - (3) Texas, The Teaching of Commercial Subjects, p. 50.





a quotation which has been included verbatim because its meaning can be conveyed in no other way. If only there were more teachers of law who could throw themselves whole-heartedly into their work, perhaps there would be less criticism of and dissatisfaction with the teaching of law.

"Come with me to the classroom. The opening bell has rung, students are rapidly numbering on a piece of paper the numbers 1 to 25. Shortly the teacher fires questions and they rapidly write answers.

1. What date separated our legal institutions as well as our political?
2. From what source of law comes our law of bills, notes and checks?
3. What name was applied to the chancellor of the exchequer?
4. What group of contracts must be under seal?
5. How do you satisfy the 4th section of this statute of frauds?

And so it goes on. In no time, it is finished and corrected either by the student or his neighbor. The class is in working attitude; every person is mentally awake; the slackers are revealed, exact knowledge appreciated. If this were another day you might find the class diligently answering one case while the teacher moves up and down stamping an open book, called the clipping book, an assignment due once a week. The student has cut from a current paper some picture or article having to do with law, has mounted it nicely, underlined some word or phrase in the text and then followed that lead for additional information.

"The authority consulted is quoted and the books rapidly stamped with the word 'accepted' and the date as the class is busy writing. You don't want the same clipping served you twice.





Commendation is given wherever possible, but the value of the exercise lies not only in the new knowledge gleaned, but in the establishment of habits of observation and in the development of attractive hand work and correlation with other fields.

"Preliminaries are over. The teacher is ready for the summary of the last lesson, for special reports, for rapid-fire questions, for new cases, for action on the part of her people, the check up on what has been accomplished both in the classroom and through home study. Then comes the new teaching. Never, in law, assign ahead. Plow the ground first; teach the new work by drawing out instead of pouring in; appeal to the curiosity of the student and lead him step by step. Have on the board a simple outline of the work you are to cover; train your students in note-taking with the outline as skeleton; present your principles.

"An offer is revoked by death while a contract is not except for personal service. Be sure they understand the language. What do you mean by revoked? What is the difference between an offer and a contract?

"Give them the famous case of Earl vs. Angel, so well named. Dramatize it always. Let them see the dying woman, the embarrassed nephew; let them think what they would do under the circumstances. Make it real, vital. Tie it up with their consciousness, and learn to laugh with them and not at them. In this work, they will go with you anywhere, be they 16 or 60, and they will love it.

"When the points of the day have been made, recapitulate either yourself or by the quick student even though he loses it equally quickly. Make your assignment. This is covered in the text pages 21 to 27. Write up your own notes, encourage individual illustrations. You have a moment for the research problem assigned last time. Is every dog entitled to one bite, and every horse to one kick?





"Woefully the dog owner tells you, no, in Massachusetts under G. L. c. 140, and he reads the statute to the excited class, and then you assign the next legal gymnastic and call for a volunteer perhaps to go legal digging.

"If you made a bet with John Jones and lost and paid, could you get your money back?

"Be sure that the teacher on the morrow will make very clear the wisdom of the statute, when your harum scarum youth announces that he can in Massachusetts get his money back, and if he doesn't after three months, another can get three times the amount."(1)

the classroom period that the teacher must be prepared to plan the work to be covered in each class and to be able to plan the procedure to be followed in presenting any new material.

A part of the classroom period, it was stated, could be used for review of the previous day's work in preparation for the new day's work. This becomes the first major step in the lesson plan or procedure which is to be used in presenting any new material. In general the lesson plan consists of five major steps:

1. Review and remedial work (preparation)
2. Presentation of new material
3. Development and application
4. Drills and exercises for mastery.

In addition to this planning the teacher must also plan the

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A., Fourth Yearbook, pp. 111, 112)



"Wonderfully the dog owner tells you, no, in Massachusetts under G. L. c. 140, and he reads the statute to the excited class, and then you assign the next legal gymnastic and call for a volunteer perhaps to do legal digging.

"If you made a bet with John Jones and lost and paid, could you get your money back?

"Be sure that the teacher on the morning will make very clear the wisdom of the statute, when your hairy scoundrel youth announces that he can in Massachusetts get his money back, and if he doesn't after three months, another can get three-times the amount." (1)

## CHAPTER XIV

### LESSON PLANS

"Not perfection as a final goal, but the ever-enduring process of perfecting, maturing, refining, is the aim in living."

---John Dewey

#### General Considerations

It follows from the discussion of the use of the classroom period that the teacher must definitely plan the work to be covered in each class period. Not only must he plan how he will use the class period, but he must plan the procedure he is to follow in presenting any new material.

A part of the classroom period, it was stated, would be used for review of the previous day's work in preparation for the new day's work. This becomes the first major step in the lesson plan or procedure which is to be used in presenting any new material. In general the lesson plan consists of five major steps:

1. Review and remedial work (preparation)
2. Presentation of new material
3. Development and application
4. Drills and exercises for mastery.

In addition to thus planning his method of approach and the material to be used in the teaching process, the teacher should have definitely in mind the particular topic to be





covered in that day's lesson and the purpose or aim of the day's instruction.

### Introducing the Subject of Law

At the beginning of the study of law it may not be possible to follow a definite lesson plan since the important things to be accomplished at this time are the creation of a proper attitude toward the study of law and the stimulation of the pupils' interest in the subject. And the pupils' attitude toward the subject depends almost entirely on the teacher's method of approach.(1) It may, therefore, be necessary to change one's plan for the day's lesson to meet the needs of the class. This is not, of course, the only time when it may be necessary for the teacher to change his lesson plan. Such a need may arise any time during the course, but it is very likely to arise during the first lessons in the course.

For example, a teacher may plan to use a logical approach to the subject, bringing out the necessity and importance of laws and showing that laws were developed as a logical result of the growth of civilization.(2) Some such outline as the following may have been planned for that first day's lesson.

- 
- (1) H. F. Pratt, How Do You Introduce Commercial Law?  
Journal of Business Education, June, 1931, p. 33.
- (2) State of Texas, The Teaching of Commercial Subjects,  
p. 51.





Outline of Procedure to be Followed for the First Lesson Using the Logical Plan of Approach

1. Create an attitude for law -- arouse interest. The first fifteen minutes is the most important time. Let the students know that someone can become enthusiastic about commercial law, and that the course is interesting and practical. Let them know also that it can be seen right around them every day. Then give examples with which they are familiar. The contract that one enters into with the street car company as he comes to school usually serves for this purpose.

2. What is law?

Why is it needed in a civilization such as our present one?

3. What to expect from course.

May expect to be treated as law-abiding, mature people. Participation in discussion is invited and encouraged in order to make the class-work interesting.

May expect to learn a few laws of business which will help them to interpret what is going on around them as well as to serve as a protection in business transactions.

4. What is the purpose of the course?

- a. To give some of the basic principles of law.
- b. To help the student to form an opinion based on the basic principles studied.
- c. To help the student to have a confidence in his ability to reason.

5. Solicit from the class definitions of law and kinds of law known to them. Follow this with an authoritative definition of law, such as Blackstone's, and then develop the subdivisions of law.



Outline of procedure to be followed for the first  
Lesson Using the Logical Plan of Approach

1. Create an attitude for law -- arouse interest.  
The first fifteen minutes is the most important time. Let the students know that you are not going to be a law professor. You can become enthusiastic about law, and that the course is interesting and profitable. Let them know also that it can be fun. Let them know that it can be a right around them every day. Then give examples with which they are familiar. The concept that one enters into with the street car company as he comes to school usually serves for this purpose.
2. What is law?  
Why is it needed in a civilization such as our present one?  
3. What to expect from course.  
May expect to be treated as law-abiding, mature people. Participation in discussion is invited and encouraged in order to make the class-work interesting.  
May expect to learn a few laws of business which will help them to interpret what is going on around them as well as to serve as a protection in business transactions.
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c. To help the student to have a confidence in his ability to reason.
5. Solicit from the class definitions of law and kinds of law known to them. Follow this with an authoritative definition of law, such as Blackstone's, and then develop the subdivisions of law.

The teacher may find before proceeding very far that this method is not going across and will decide to change his method of approach. He may then try the historical approach, showing the sources of the law and its history and development. Or he may use this approach in addition to the material suggested above. Some such story as that which follows might be told the class, and with it might be used a chart showing the history of civilization by means of which the teacher may more vividly tie up the development of the law with the development of civilization.

#### THE DEVELOPMENT OF THE LAW

Before considering the sources of our law, let us delve briefly into its history. In the study of law we are interested in laws which are rules of human conduct. No law was necessary when Robinson Crusoe was living alone on an island, but as soon as his man Friday joined him law was needed. Just as soon as people began to live together there was need for rules of human conduct. And as civilization became more complex, so did the need for more law become greater.

The very first code of law that we know anything about was brought into existence in Babylon about 2200 B.C. Hammurabi, a Babylonian king, laid down rules of human conduct for his people. We speak of law as man-made because the various kings from his time on drew up the rules of conduct for their people, and they were actually man made.

After the code of Hammurabi came the Law of Moses, the Mosaic code. Moses is called the first great giver of law. It came after Moses led the children of Egypt out of bondage and was very





harsh -- an eye for an eye and a tooth for a tooth. Harsh rules were needed at that time. One type of laws are used for a race when it is in its childhood, and so on up. The people had been in captivity and had no opportunity to develop themselves, and so the Mosaic code had to be very harsh.

Another early code of law was the Code of Draco, an Athenian. It is said that the code was written in blood. Draco found Athens in such a bad way when he came into power that he thought very strict laws were necessary. Practically every wrong carried with it the death penalty.

Solon was the wisest of all Athenian law givers. He lived about 500 B.C. and saved Athens by introducing the first bankruptcy laws. We then hear of Licergus and the city of Sparta. The people of Sparta were well-trained to endure tremendous hardship. They were noted for their great courage. "Return with thy shield or upon it" -- how truly this portrayed the spirit of these people. The Spartan age was a period of warlike brotherhood. Boys of seven years of age were given to the state and obliged to compete to show their strength.

Turning now from the East let us look for a moment at the other side of the picture. In the western hemisphere there prevailed the Roman or Civil law, the law of the continent. The first law of the Romans was known as the "Will of the Gods". The most cruel punishments were meted out and the offender was guilty or not according to the will of the God to declare him so. For instance, if a person could walk across hot coals barefooted and not burn his feet he was not guilty; or if a person, thrown into the river, did not drown he was guilty and therefore put to death. If he did drown he was considered not guilty -- but in either case he was dead.

The first written laws in which the Roman people had any say were written on twelve tables of stone and are referred to as the "commentaries on the Twelve Tablets". Out of these commentaries grew what is known as the Civil Law of Rome. The





laws of these tablets were framed 451-449 B.C. by commissions consisting of magistrates, called the decemvirs. They formulated a code which was published on twelve bronze tablets, and these were posted in the city square or forum. One thousand years after these tablets had been given to the Romans, Justinian, a Roman ruler, with the assistance of an eminent lawyer, digested, simplified, and codified the great mass of laws, opinions and commentaries that had accumulated during that time. This work of Justinian, which was the greatest of the age and for which he has been called the "law giver of civilization" has formed the basis of the jurisprudence of continental Europe.

The Napoleonic Code in France, compiled in 1810, was nothing more than a revision of the old Justinian code. Traces of these codes are now in evidence in Florida and Louisiana, which states were Spanish and French in origin. Louisiana was a part of the territory ceded to this country by France, and it retained the Roman Civil Law in effect at the time the grant was made. Florida still carries traces of the Spanish influence.

Our legal institutions are for the most part based upon the legal institutions of England. But because England was an island we do not teach Roman law but rather English law. The Celts originally lived in England but no impressions of their law were left behind when the Romans left England to go back to Italy.

This brings us to a consideration of the more direct sources of our law. There are three major sources -- common law, equity and statute law -- and three minor sources -- canon law, civil law, and law merchant, each of which we will discuss briefly.

The common law is a set of rules resulting from usage and custom, and from decisions handed down by courts in deciding actual cases. It had its inception in England many years ago, and has been gradually developing ever since. The common law in America is an inheritance from the American





colonies that were under English rule. July 4, 1776 separated our legal institutions as well as our political institutions.

"In early times the English Parliament was comparatively powerless and inactive, and legislation covered only a very small field. It was conceived, therefore, that the rights and duties of the people were to be determined (if determination by a court of law were necessary) in accordance with customs and usages of long standing, as to which the consent and approval of the people might be inferred from their long acquiescence in them. These customs and usages were not 'written' law. They were not enacted by a body definitely purporting to exercise legislative power. They were those practices which might, from the actual or inferred acquiescence of the people, be supposed to reflect the crystallized opinion of the public. As such, they were enforced in the courts as unwritten law."(1)

And so in England we have no code law, only the common law. The common law was the law of the common people. Common law is crystallized public opinion. It started out as custom and finally became crystallized into law. It is unwritten law. There is no place that you can find the common law codified in England. In the United States, New York state has codified its common law. The common law is adaptable and flexible because it is unwritten.

The value of common law comes in the force of precedent or the doctrine of stare decisis (let the decision stand). And the bit of water which separated England from the main land is what gave us this common law. The criticism of code law is that it is not adaptable; it is too rigid. The statutes in Massachusetts are really code law -- and they are very rigid.

Common law was meted out in what was known as the Court of Common Pleas in the twelfth century. The Court of Common Pleas handled the pleas of the

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(1) H. W. Babb, Business Law, p. 5.





common people. The strict application of the common law and the narrow remedies granted in the common law courts often led to injustice. If the people were dissatisfied with the decision of the Court of Common Pleas they would appeal to the King, and so there began to be developed in England a second type of laws which was going to affect England and our country as well.

The second source of law is known as equity. The King could do no wrong and therefore he was seeking to do equity (justice, fairness). Finally this work was turned over by the King to the Chancellor of the Exchequer who became the founder of the Chancery Court which is the same thing as the equity court. The Chancellor of the Exchequer came to be known as "the keeper of the king's conscience". To this day we have equity courts and no jury trial as a matter of choice in the equity courts. The judge takes the place of the King.

The English nobility was educated in monasteries on the continent and so were trained in Roman law. The Chancellor was, therefore, a churchman and of the Church of Rome. Therefore, his learning in the Civil or Roman law which was founded upon the compilations of the Roman Emperor Justinian, and in the canon or ecclesiastical law of the Church of Rome was likely to and did influence his decision in the hearing of appeals. It naturally followed that certain principles of the Roman law were grafted upon the English law through the decisions of the chancellors. Furthermore, it became easier, as time went on, to decide such an appeal, not on the basis of abstract or perfect justice, but in the light of some earlier opinion of his own or another chancellor. Thus there grew up in the Chancery Court a doctrine of precedent which was little, if any, less rigid than that of the Common Law Court. It was not until the time of great chancellors beginning with Lord Nottingham that the principles and procedure of equity were freed from this formalism. The equity courts reached their heights in 1675.

As might be supposed the two courts, Chancery and Common Law, administering different systems of





law independently and in disregard of each other, came into conflict. There grew up between the common law judges and the equity judges much antagonism and friction. This continued friction finally led to a division of authority, equity retaining jurisdiction over equitable parties, equitable subject matter and equitable remedies. In 1873 England abolished the two kinds of pleading and henceforth cases were handled by equity or common law principles as the court found necessary.

A bill or petition in equity always ends with a prayer. Only certain types of cases come into the equity court. Others go into the common law court. You go into common law always for money damages and into equity for specific damages, injunctions, rescission of contracts, etc.

The third source of law is statute law which consists of laws passed by the sovereign body having legislative powers. The legislature is called the Great and General Court when it is passing statutes. Law which is passed in the legislature is known as statute law, sometimes called "written" law. It is bound by no precedent or authority other than the Constitution of the United States or its own constitution. What does statute law do to common law and equity law? It either supersedes the common law, reaffirms it, overturns it, or meets a new situation. The laws passed by the legislature are known as the Acts and Resolves of a given year and are published in so-called Blue Books. These Acts and Resolves are classified about every twenty years and are published in one volume. The publication of 1921 is known as the General Laws of 1921 and embodies all statutes passed up to that time. The Tercentenary Edition of 1932, instead of being completely revised, simply supplements the General Laws of 1921, bringing them down to date.

While the common law, the rules of equity, and statute law are the main bases of our law, there are certain other sources of law which have had a more or less direct effect upon it. These have been referred to before as the three minor sources of the law. The first is the canon or ecclesiastical law, the law of





the Church. This law, first of Rome and then of England, as developed from the Roman Law, formerly regulated those rights and duties which were deemed to be especially within the sphere of spiritual authority. The leading example of this type of case is that of marital relations, until comparatively recently heard and determined in England by the spiritual courts. Traces of this law are found in our present marriage and divorce laws.

The second minor source of law is the Civil Law. It is that great body of written law in effect on the continent of Europe, originating in the Roman law, and coming from the Roman law by various channels, generally direct, into the modern European law. These principles find chief expression in our law of admiralty, the law of maritime affairs, which was long regulated by a special court nominated originally by the merchants for the settlement of disputes arising in such matters. While the civil law is not recognized by the American law as a direct source, it has left its impress not only on admiralty law but also on the law of those states, such as Florida and Louisiana, which were originally under Spanish and French control, and were subject to the civil law itself.

The third source of law, the law merchant, comes from Italy. Italian merchants first developed the use of bills, notes and checks. They wanted, for example, to go to France to the fairs. But they had very little money. Trading was carried on mostly by barter. And so there developed the use of drafts. Thus the English traders found upon the continent of Europe certain usages in vogue among merchants which were better adapted to their needs than those recognized by the common law of England. But these drafts were no good in the English Court of Appeals because a third person could not maintain suit on a contract. So there were established in 1606 the Merchants Courts, called the Courts of the Dusty Feet, because of the rapidity with which cases were handled. These courts soon failed, however, because they were narrowed down to merchants alone. Finally principles of the law merchant whereby a person not a party to a contract might have better privileges than one who





was, were grafted onto the English common law. This, the chief contribution of the Law Merchant to our law, has, in turn, become statute law upon its adoption, in codified form, as the Uniform Negotiable Instruments Law.

Such has been the development of our great body of law. Has it not truly been said that the history of law is the history of civilization?(1)

It may be necessary with some classes to use a still different approach, perhaps combined with the two already mentioned. The only approach left is the so-called social approach, in which law is emphasized as a means of social control which may be enforced by public officers.(2) All through the law course the relation of every topic studied to society should be stressed, but it often happens that the teacher must bring this point out very strongly in the opening lessons.

For this approach the same material as that suggested for use in the logical or historical approach may be used. The variation lies in the emphasis placed upon the relationship of law to the present social order.

#### Suggested Lesson Plans

The problem of making up lesson plans for the topics to be covered in the law course is a most interesting one to him interested in making his course vital,

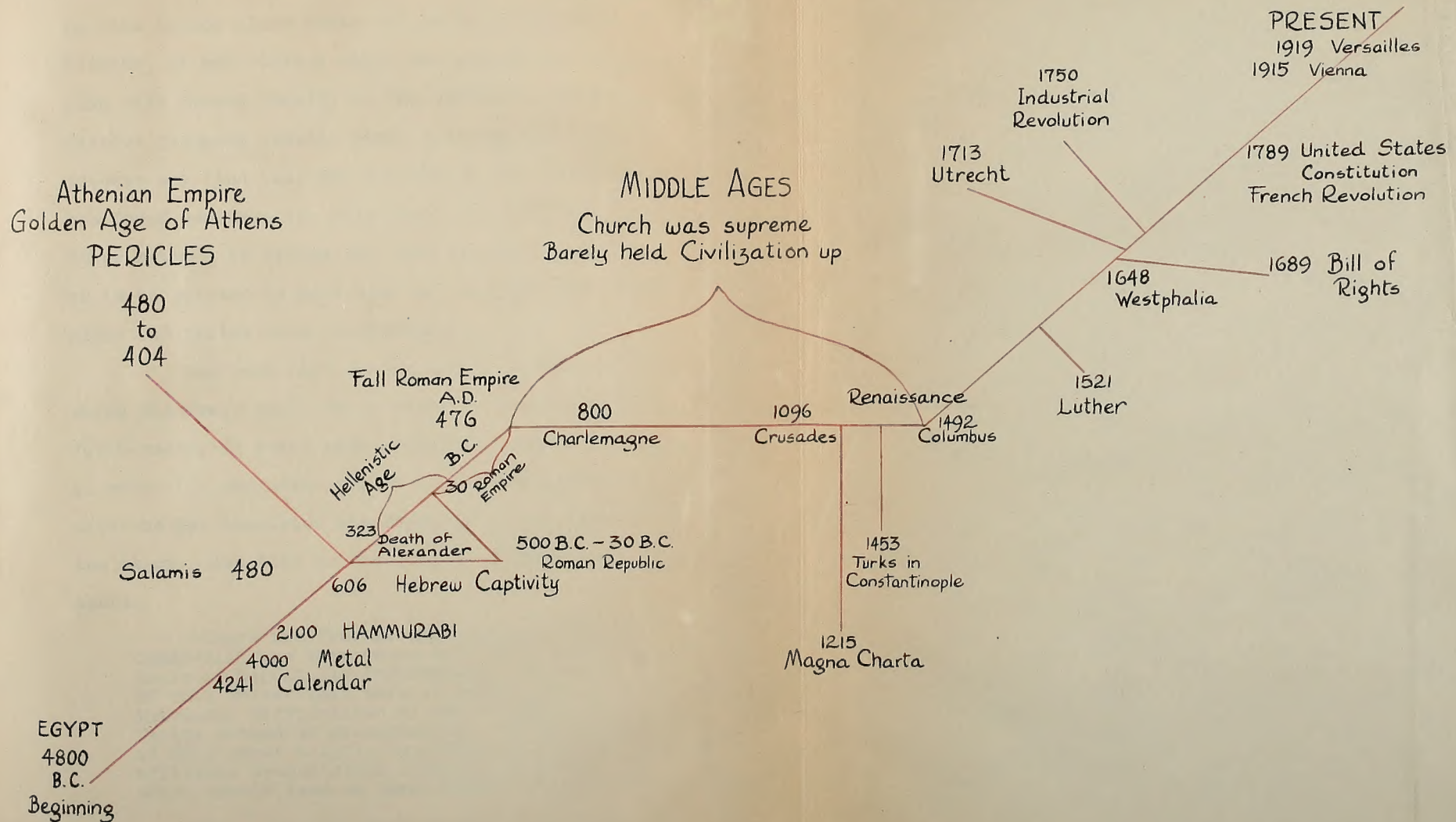
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- (1) Compiled from high school textbooks on law and articles on the history and development of law included in the Bibliography.
  - (2) H. I. Good, A Social Science Attitude in the Teaching of Commercial Law, Balance Sheet, February, 1932, p. 211.





# THE STORY OF MAN - 4800 B.C. TO A.D. 1930<sup>(1)</sup>

CIVILIZATION MOVED UPWARD UNTIL 476, WAS AT A STANDSTILL A THOUSAND YEARS AND THEN  
BEGAN AN UPWARD CLIMB AGAIN



(1) J.B. Honeycutt, "Teaching History by the Laboratory Method," Report of Proceedings, New Jersey State High School Conference, 1931; p. 79



THE CITY OF NEW YORK

COMMISSIONER OF THE LAND OFFICE

REPORT

ON THE

LANDS BELONGING TO THE CITY

IN THE YEAR 1861

AND

THE LANDS BELONGING TO THE STATE

IN THE YEAR 1861

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NEW YORK

interesting, and worth while. Yet it has been difficult to find lesson plans worthy of inclusion herein. This, however, is not unusual since the success of any lesson plan will depend chiefly on the teacher's own initiative. Careful planning usually means thorough teaching. But the teacher may find that the blackboard and notebook work he has found consumes too much time, and will have to use other methods to secure the same results. Therefore, if he is to succeed he must work out definite but flexible plans and follow them consistently.

One such plan the writer has found, however, which she feels would be of value to every teacher of law. Furthermore, it deals with a subject which is generally as much of a conundrum puzzle to the high school pupil after he has completed its study as it was before he began the study. And that is the subject of negotiable Instruments.

"There are few, if any, parts in the study of Commercial Law that cause more difficulty than the topic of Negotiable Instruments. It is the belief of this writer that this is not so much due to the intrinsic difficulties of the problems as to a faulty method of presentation. It is the purpose of this paper briefly to point out wherein this inefficient presentation lies and to suggest a plan which should lead to considerable simplification.

"Many teachers tell us that in pursuing the study of Negotiable Instruments the students often



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"Many teachers tell us that in reviewing the study of Negotiable Instruments the students often

do very well for a while, but suddenly most of them drop into a state of helpless confusion. This is ordinarily due to the following causes:

1. Studying the difficult features surrounding negotiable instruments before they know clearly what negotiable instruments are.

2. Failure to proceed from the simple to the more complex.

3. Introduction of needlessly many difficulties at one time.

"These being the difficulties, it is clear that the remedy for the situation must lie along the following lines:

1. Begin the work with a considerable amount of constructive drill work on negotiable papers before introducing any of the difficult features.

2. The greater part of what a high school student needs to know about negotiable papers is comparatively simple. Dispose of this first.

3. When you come to the difficult parts, take only one point at a time in so far as this is possible.

"Let us now consider each of these points a little more fully:

1. Begin with drill work. Before saying anything at all about law of negotiable instruments, require the students to make out a sufficient number of notes, checks, and drafts, to make them thoroughly familiar with what these papers look like. Be sure that they are made out right. Let this include the various kinds of drafts with explanations as to how these drafts differ. Explain that checks and drafts are really the same thing, the check being a draft drawn by a depositor against his account in the bank.





2. Dispose of the less difficult points first. On the basis of these papers, after they have been returned, point out the comparatively simple facts in the following order:

- (a) Parties to the different papers.
- (b) Essentials common to all negotiable instruments.
- (c) Acceptance of a draft with drill work. Point out the general change in the drawer's and drawee's liability, before and after acceptance; but do not, at this point, present the full and precise nature of these liabilities to a holder in due course. Show which papers need to be presented for acceptance, and which do not need to be so presented.
- (d) Give drill work and explanations on the various kinds of indorsements, stating in a general way the effect of each, but postponing the full discussion of indorser's liability until later.

3. Take up the difficult points one at a time:

- (a) On the basis of papers already made out, explain who are the primary obligors with respect to their payment. Explain, in this connection, the exception in the case of the drawer of an unaccepted draft.
- (b) Explain that the peculiarity of a negotiable instrument is that the primary obligor may become liable to an innocent third party, even if he was not liable to the original payee; the exception being that the primary obligor is excused if he can bring up what is known as a 'real' or 'absolute' defense.
- (c) Show that in order to exercise this right, the holder must show two things:
  - (1) That the paper is negotiable.
  - (2) That he is a holder in due course.





- (d) Show the rights of a holder in due course against previous indorsers. Explain that these rights are dependent upon:
  - (1) Proper presentment for payment or acceptance as the case may be.
  - (2) Proper notice or protest if the paper is dishonored.
- (e) Explain the rights of a holder in due course against a qualified indorser, and against one who transfers by mere delivery.

"This completes the main scheme in negotiable instruments. If more time can be allowed, take up some of the minor details and less essential parts of the work. These should be deferred to the end, so as not to confuse the main plan by the introduction of irrelevant material.

"After this is completed furnish drills on the following basis:

1. A number of selected problems to solve.
2. Create actual situations in class. Have them make out various papers, creating situations where primary obligors will be bound and where they will not be bound. Arrange for cases where indorsers will be bound and where they will not be bound, etc.

"The above plan is based on a thorough knowledge of the papers considered, a simple and logical presentation, and an abundance of proper constructive drills. The writer has found this plan very helpful in putting across this rather difficult topic."(1)

Mr. Daniel Foley, Head of the Department of Commerce, English High School, Boston, has developed a project which he has used with very excellent results in the teaching of negotiable instruments. It is included here rather

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(1) R. O. Skar, Teaching the Law of Negotiable Instruments, Balance Sheet, September, 1926, p. 10.





than in the Chapter on projects to show how a well-developed lesson plan and a project may be combined to secure an effective teaching procedure.

#### HOW I TEACH NEGOTIABLE INSTRUMENTS(1)

"The best method of teaching Negotiable Instruments is to have the pupils make out, transfer, endorse, present and demand payment, and send notice of dishonor or protest on bona fide instruments, at the same time to explain the reason for each step and the law which it involves.

"When first presenting the subject, in the course of the lesson on definitions, models of the different kinds of instruments should be drawn on the blackboard. Specimen notes, drafts, checks, trade acceptances, bills of lading, and warehouse receipts should be posted on the class-room bulletin board. Pupils should also be required to draw and fill out models of each kind of instrument in their notebooks and to paste neatly therein samples of each. These can be bought and filled in, or canceled instruments whose value as instruments has passed may be secured from business firms.

"One of the most interesting and valuable lesson periods I conduct is the one in which checks are discussed. I make out six personal checks drawn on the Federal National Bank, Boston, Mass. The amount is one dollar each. The payees are the boys at the head of each row. Each of these boys gives me one dollar for the check. Each endorses his check in blank and transfers it to the second boy in each row for one dollar. The second boy endorses the check specially to the third boy in the row, who gives one dollar for it. This third boy holds the check until the next meeting of the class.

At the time of the drawing of the checks and the transfers and endorsements, the warranties of the drawer, payee endorsers, and transfer endorsers are explained in full. The rights of each holder in due course are also explained. Then comes a recapitulation

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(1) D. Foley, How I Teach Negotiable Instruments, Spotlight, October, 1931, p. 1.





of the steps taken and an assignment of the next lesson relevant thereto.

"When the class meets again there is a brief review. Next comes the transfer by endorsement without recourse to the fourth boy. Finally there is transfer by conditional endorsement to the fifth boy. In each case the warranties are explained definitely.

"The fifth boys are instructed to endorse each check specially to some one of the neighborhood stores and to give it in exchange for goods. These checks come back in my monthly statement, and the history of their circulation is traced from the endorsements stamped by banks and clearing house, as the case may be. One year a boy sent his check to a friend in California and it came back with several other endorsements thereon.

"In the case of the other kinds of Negotiable Instruments the same procedure is followed. The time consumed is not so long and there is no circulation outside the class. In these cases also bona fide samples are brought to class for illustrative purposes.

"By this method of teaching Negotiable Instruments the rules of sound pedagogy are observed and the lessons made vital and practical."

Teachers of law will find many helpful suggestions regarding the making of lesson plans in teachers' manuals and textbooks on commercial education included in the Bibliography on pages 300-308.

### Special Lesson Plans

On page 43 the writer mentioned the possibility of holding round table conferences to which pupils not





taking law might be invited. As an illustration of the type of topic to be discussed at such a conference, and as another example of a lesson plan, the writer has included her idea of a lesson plan for the teaching of Auction Sales. This is a subject not often discussed at any length in the law course; yet an auction is a common occurrence today.

Furthermore, such a subject serves the purpose of a review for the class -- in this case, a review of the subject of sales -- and it serves as a means of conveying to pupils not members of the law class certain principles under the law of sales which should be known to everyone.

1. Purpose.
2. Difference between regular sale and auction sale.
3. Rules governing auction sales.
4. Procedure for conducting an auction.
  - a. Notice and conditions of sale
  - b. Authority of auctioneer
  - c. The bidding
  - d. Completion of sale
5. Rights and liabilities of parties.
  1. Auctioneer
  2. Buyer
  3. Seller

#### 16. Application and Review of Principles

- A. Identification of principles in news or articles.
- B. Review questions.
- C. Establishment of validity of an Auction Sale Contract.
  1. Does it contain the essential elements of a contract?

\*On attached sheets pupils will pick out the principles illustrated in the clipping and add any notes they wish regarding that principle.





## Lesson Plan for Teaching

of

### AUCTION SALES

#### I. Review

- A. Rapid fire questions on sales in general.
- B. Previous reference to auction sales.
  - 1. In discussion of installment sales.

#### II. Presentation

- A. Should we know something about auction sales?
- B. Explanation of new terms.
  - 1. Auction
  - 2. Auctioneer
  - 3. Bidder
  - 4. Bid

#### III. Principles in General (use mimeographed outline for students)

- A. How are goods sold at public auction?
  - 1. Purpose.
  - 2. Difference between regular sale and auction sale.
  - 3. Rules governing auction sales.
  - 4. Procedure for conducting an auction.
    - a. Notice and conditions of sale
    - b. Authority of auctioneer
    - c. The bidding
    - d. Completion of Sale
- B. Rights and Liabilities of Parties
  - 1. Auctioneer
  - 2. Buyer
  - 3. Seller

#### IV. Application and Review of Principles

- A. \*Identification of principles in newspaper notices.
- B. Review Questions.
- C. Establishment of Validity of an Auction Sale Contract.
  - 1. Does it contain the essential elements of a contract?

\*On attached sheets pupils will pick out the principle illustrated in the clipping and add any notes they wish regarding that principle.





## AUCTION SALES

### I. Explanation of Terms

- A. Auction - A public sale of land or goods, at public outcry, to the highest bidder on the spot.
- B. Auctioneer - A person authorized or licensed by law to sell lands or goods of other persons at public auction, to the buyer who bids the most.
- C. Bidder - One who offers to pay a specified price for an article offered for sale at a public auction.
- D. Bid - An offer by an intending purchaser to pay a designated price for property which is about to be sold at auction.

### II. How are Goods Sold at Public Auction?

- A. Purpose of an auction - to obtain the best financial returns for the owner of the property sold.
- B. Auction sales are governed by certain rules peculiar to that sort of selling.
  - 1. Uniform Sales Act - Chapter 21
  - 2. Massachusetts General Laws
    - a. Auction sales - Chapter 106, Sec. 23.
    - b. Auctioneers - Chapter 100.
- C. Procedure for conducting an auction
  - 1. When an auction is to take place the owner of the goods engages an auctioneer who thereby becomes his agent.
  - 2. When an auction is announced the seller may reserve the right to reject any or all bids or may prescribe other conditions provided that they do not conflict with any state laws.
  - 3. Each lot sold at an auction is treated as a separate sale under the statute.





4. Auctioneer or owner may withdraw goods from sale before a bid has been accepted, unless the auction has been announced to be without reserve.
5. Bids may be made by signs or nods.
  - a. Auctioneer may
    - (1) refuse to recognize insignificant bids
    - (2) refuse to recognize the bids of incompetents.
  - b. Auctioneer may not bid for himself.
  - c. Bidder may withdraw his bid until the auctioneer "knocks it down".
  - d. A right to bid may be reserved expressly by or on behalf of the seller.
  - e. By-bidding to run up prices or to prevent an article from being sacrificed is illegal in most states.
    - (1) Any buyer who later found out that the price had been run up against him could repudiate the sale.
6. Auctioneer closes sale by knocking down the goods to the highest bidder, thus binding the bidder.
7. When the memorandum of sale is made the auctioneer's signature binds both parties, and if either disputes the sale the auctioneer's signature would bind him under the Statute of Frauds.
8. Auctioneer's authority ends when sale is completed and purchase price collected.

### III. Rights and Liabilities of Parties.

#### A. Auctioneer

1. Has a lien on the property sold for his compensation.
2. May not bind the seller by a warranty of the quality or title of goods sold, unless specially authorized to do so.





3. Responsible for loss arising from negligence or failure to perform services with ordinary care, diligence and skill.
4. May not lawfully accept a bid from the seller or any person employed by him, unless notice had been given of such right on behalf of the seller.
5. Responsible to buyer in sale for an undisclosed principal.

#### B. Buyer

1. Must comply with the conditions of the sale or forfeit any amount deposited on the purchase.
2. Is bound by all conditions and terms of sale whether or not he knew or saw them.
3. May return article where by-bidding was practiced and demand a return of the money paid.
4. May treat as fraudulent any sale in which there was bidding by the seller or a person employed to bid on his behalf, unless notice had been given of such right on behalf of the seller.
5. Personally liable for purchase for an undisclosed principal.

#### C. Seller

1. Has a right of action for damages against a buyer who fails to take property knocked down to him.
2. Is bound to carry out the sales made by the auctioneer according to the sales memorandum.
3. Is liable for fraud on the public and therefore on buyer for misrepresentation of goods sold or for inclusion of property of third person without due notice of such.
4. Has lien on property sold for amount of bid.
5. Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller it is unlawful for him to bid or employ a person to bid on his behalf.



3. Responsible for loss arising from negligence or failure to perform services with ordinary care, diligence and skill.
4. May not lawfully accept a bid from the seller or any person employed by him, unless notice has been given of such right on behalf of the seller.
5. Responsible to buyer in sale for an undisclosed principal.

#### B. Buyer

1. Must comply with the conditions of the sale or forfeit any amount deposited on the purchase.
2. Is bound by all conditions and terms of sale whether or not he knew or saw them.
3. May return article where by-bidding was effected and demand a return of the money paid.
4. May treat as fraudulent any sale in which there was bidding by the seller or a person employed to bid on his behalf, unless notice has been given of such right on behalf of the seller.
5. Personally liable for purchase for an undisclosed principal.

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5. Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller it is unlawful for him to bid or employ a person to bid on his behalf.



TERMS OF SALE

**Auctioneers—MacKAY GALLERIES, Inc.—Appraisers**  
**AUCTION SALE**  
**REAL ESTATE AND HOUSE FURNISHINGS**  
 Entire Contents of Residence to Be Sold on Premises  
 of the late  
**Dr. W. F. TEMPLE, 377 Beacon St., Boston**  
**WEDNESDAY, APRIL 5th, at 10:30 A. M.**  
 Mahogany and Maple Dining Room, Chamber and Living Room Furniture.  
 Tambour and Winthrop Desks, Card and other tables, Book Cases, Highboy,  
 Oriental and other rugs. Paintings by Ennocking and other artists. Bronzes, Mir-  
 rors, Lamps, China, Glass, Bric-a-brac, etc.  
**REAL ESTATE TO BE SOLD AT 1 O'CLOCK.**  
 12-room Residence, 3 Baths. Ideal location for doctors' offices.  
 Terms and conditions at time of sale.

Terms and Conditions at Time of Sale

## RECEIVER'S SALE IN BANKRUPTCY

In the matter of Kay Furniture Company, Bankrupt No. 52860



**KAY FURNITURE CO.**

On the premises

**121 CHELSEA STREET  
EAST BOSTON, MASS.**



**WEDNESDAY, APRIL 5, 1933  
AT 10:00 A. M.**

The sale includes Living Room Suite, Beds, Springs, Mattresses, Cribs, Day Beds, Chairs, Tables, Lamps, Chinaware, Pillows, Mirrors, Pictures, Electric Radios, Refrigerators, Kitchen Cabinet, Baby Carriages, Rugs, Linoleum, Felt Base Floor Covering, Parlor Stove, Toys, Desk, etc.

By order of Bernard Reimer, Custodian Receiver,

1 Federal Street, Boston, Mass.

Sale subject to confirmation by the Court.

**SAMUEL T. FREEMAN & CO.,**  
NO. 80 FEDERAL STREET

Established  
Nov. 12th, 1805

**Auctioneers  
BOSTON, MASS.**

No Terms Stated

**MARK LEVINE - - - Auctioneer**  
Tel. Lafayette 1889  
27 School St. Boston, Mass.

**Mortgagee's-Receiver's  
Sale at Auction**  
Wednesday, April 5, 1933,  
12 O'Clock Noon

**DELORME ELECTRIC APPLIANCE CO.**  
198 MERRIMAC ST., LOWELL, MASS.

SALE COMPRISES: Electric Hanging and Wall Fixtures, Cabinet Radios, Moving Picture Electric Talking Machine, Garage Heaters, Electric Bulbs, Shades, Electric Frigidaire, and other kinds of Electrical Merchandise.

5 Show Cases, Cash Register, Adding and Type Machines, Wall Cases, Counters, etc. **TERMS CASH.** The right is reserved to reject any and all bids. Premises open for inspection at 10 A. M. on day of Sale.

Sale by order of: United States District Court,  
Benj. A. Levy, Receiver,  
George I. Cohen, Counsel for Mortgagee.

Terms: Cash

*Chas. A. Lyons Auctioneers  
Boston. Tel. 1212 Regent*

HIGH GRADE

**OFFICE FIXTURES**

**MONDAY, APRIL 3  
AT 2 P. M.**

22 Bromfield St., Boston Room 34

I WILL sell at public auction at the above stated time and place 5 Roll Top and Typewriter Desks, Swivel and Arm Chairs, 4 Metal Filing Cabinets, Mahogany Lockers, 2 Bureaus, Adding Machines, 2 Typewriters, Check Writer, etc. Everything in first class condition. For particulars Chas. A. Lyons.

**By R. C. KING & CO.**

**Auctioneers & Selling Agts.**

524 BAY STATE BLDG., LAWRENCE, MASS.

**TRUSTEE'S SALE IN BANKRUPTCY  
AT PUBLIC AUCTION**

**OF FIRONE'S DRY GOODS STORE**

29 SUMMER ST., LYNN, MASS

**WED., APRIL 5, 1933, at 11 A. M.**

**DRY GOODS AND STORE FIXTURES**

Sale consists of large and assorted stock of Dry Goods.  
Terms Cash. Sale subject to confirmation of the United States District Court.  
By order of I. L. Oshry, trustee, Boston, Mass.

Particulars to be Secured

Sale Subject to Confirmation of Court



a few days  
Come away  
to get  
a few days



**MACEY AUCTION CO.**AUCTIONEERS AND APPRAISERS HUBBARD 1697  
320 Stuart St. Either Entrance 153 Columbus Ave.**SPECIAL AUCTION SALE****TUESDAY, APRIL 4, AT 1 P. M.****Furniture and Furnishings from  
FAMOUS NORTH SHORE ESTATE**

(Name Withheld by Request)

**CHICKERING GRAND PIANO**, Oriental and Domestic Rugs, Broadloom Carpeting, Dining, Living and Bedroom Suites, Chairs, Tables, Automatic Studio Couch, Dresser, Mirrors, Paintings, Pictures, Linens, Draperies, Tapestries, Paisley Shawls, China, Glass, Books, Andirons, Bronzes, Bric-a-Brac, Etc., Etc.**ANTIQUES**

of Solid Mahogany, Block Front Highboy, Tambour Desk, Block Front Lowboy, Secretary, Governor Winthrop Desk, 2 Sheraton Sideboards, Set 6 Chippendale Chairs, Pembroke Table, Gateleg Table, Tip Table, Empire Bureaus.

**WEDNESDAY, APRIL 5, at 10:30 A. M.****ENTIRE FURNISHINGS FROM SERVANTS' QUARTERS**  
OPEN FOR INSPECTION MONDAY  
AMPLE PARKING SPACEUndisclosed Principal**CHAS. F. HALE & SON, Auctioneers** Laf. 3234-6282

26-30 SUDBURY ST., cor. PORTLAND ST., BOSTON, MASS.

**ON TUESDAY, APRIL 4TH, 1933, AT 10:30 O'CLOCK A. M.****PUBLIC AUCTION SALE**

Entire Contents from

**EXCLUSIVE NEWTON ESTATE**

Many choice pieces, consisting of 10 Pc. Mahog. Dining Set; 2 Pc. Genuine Leather Parlor Set; Chas. S. Norris Grand Piano; Solid Mah. Desk and Chair; Small Up. Piano; Several Small Sarouk Rugs; 1 Large 8.6x10.7 India Oriental Rug; Teakwood Stands; 6 Pc. Painted Chamber Set; Tambour Desk; Maple Highboy and Low Boy; Bowman Clock; Grandmother's Hall Clock; Bric-a-Brac, etc. Everything must be sold.

**LOUIS BLOCH**AUCTIONEER  
APPRAISER

137 ENDICOTT ST., BOSTON - LAFAYETTE 7605

**AUCTION SALE****THURSDAY, APRIL 6th, 10 A. M.****DRY GOODS, FURNISHINGS  
LADIES' AND CHILDREN'S WEAR****WOOLENS, SILKS & COTTON GOODS**

298 HARRISON AVE., BOSTON

I will sell a complete stock of Men's, Women's and Children's Underwear, Hosiery, Dresses, Clothing, Overalls, Gloves, Work and Dress Shirts, Caps, Hats, Palamas, Night Shirts, Slips, Corsets, Girdles, Brassieres, Vests, Bloomers, Step-ins and other Rayon Merchandise; Spreads, Curtains, Sheets, Doilies, Scarfs, Laces, Ribbons, etc; Umbrellas, Towels, Face Cloths and a full line of Notions and Small Wares; also Sweaters and Bath Robes, etc., etc.

**CLOTHING**

Women's and Children's Silk, Woolen and Cotton Dresses, Coats, Jackets, Raincoats, Skirts, House Dresses, etc.

**YARD GOODS**

A fine line of Ginghams, Percales, Satens, Linings, Toweling, Sheeting, Crash, Scrims, Marquisettes, Dress Goods, Rayons, Prints, Flannels, Corduroy, Madras, Silks, Crepes, Woollens, Jersey, Dress Goods, Suitings, Overcoatings, Velvets, Chiffons, Voiles, Charmouses, etc., etc.

LOUIS BLOCH, Auctioneer

**By RICHARD MURRAY**

Auctioneer Sixty State St. Hub 2913

**AT PUBLIC AUCTION**

Contents of the Home of

**A. C. GILMORE**

To Be Sold at the Display Rooms

**184 FRIEND ST., BOSTON****Thurs., April 6, at 11 A. M.**

Consisting of 4-pc. bedroom set, living room furniture, Cogswell and wing-back chairs, 9-pc. dining room set, rugs, china, occasional chairs, odd tables, glass, nice reed set, bric-a-brac, etc.





**MORTGAGEE'S SALE OF REAL ESTATE**

By virtue of the power of sale contained in a certain mortgage given by Silas A. Perkins, of Weymouth, Norfolk County, Massachusetts, to the Abington Savings Bank, of Abington, Plymouth County, Massachusetts, dated October 23rd, 1929, recorded with Suffolk Deeds, Book 5143, Page 202, for breach of the conditions contained in said mortgage and for the purpose of foreclosing the same, will be sold at public auction upon the premises described in said mortgage on Monday, November 30th, 1931, at ten o'clock in the forenoon, all and singular the premises described in said mortgage, viz: a certain lot of land with the buildings thereon, situated in that part of Boston, Suffolk County, Massachusetts, called Dorchester, comprising lot marked "E" on a plan of Subdivision of Land in Dorchester, Mass., dated April 1926, Schein and Levine Civil Engineers, duly recorded with Suffolk Deeds in Book 4808, bounded and described as shown on said plan as follows:—Northeasterly on Intervale Street, forty-four and 75/100 (44.75) feet; Northwesterly by land of owners unknown, eighty-six and 14/100 (86.14) feet; Southwesterly by land of owners unknown, forty-four and 75/100 (44.76) feet; and Southeasterly by lot D on said plan, on a line through the center of the partition wall, eighty-five and 70/100 (85.70) feet; containing 3844.8 square feet according to said plan. Said premises are conveyed together with and subject to the right of the owners and occupants of all of the lots shown on said plan to use the walk three feet in width as built and used in the rear of the buildings on said lots on said plan and side of the buildings built on said lot "E" and lot "A" on said plan leading to Intervale Street. This mortgage is given to secure a note given by me to said bank in part payment of the purchase price of a portion of the premises conveyed to me by deed of said bank of even date to be recorded simultaneously herewith. Said premises will be sold subject to any and all unpaid taxes, tax titles, municipal assessments, and water bills, if any there may be. Five Hundred Dollars to be paid in cash by the purchaser at the time and place of sale; further terms will be announced at the time and place of sale. ABINGTON SAVINGS BANK. By Leon S. Fairbanks, Treasurer, Abington, Mass. Walter H. & Paul B. Roberts, Attys., 21 State Street, Boston.

NOV 14 1931

Particulars of Sale**TRUSTEE'S SALE IN BANKRUPTCY**

In the matter of United Grocers Wholesale Company of Marlborough,  
Bankrupt No. 50091

**INDUSTRIAL REAL ESTATE  
AND EQUIPMENT**

To be sold on the premises

303 Lincoln Street, Marlboro, Mass.

**THURSDAY, APRIL 6, 1933 at 3:00 P. M.**

Real Estate: 11,147 Square Feet of land improved with 1 Story Frame Warehouse containing 2340 Square Feet of floor space, 2 Story and Attic Frame Shed containing 6264 Square Feet of floor space and corrugated Iron Garage 21'6" x 16'6". Railroad Siding. Equipment: National Electric Cash Register with Adding Machine, Dayton and Hamilton Computing Scales, 2 Platform and 1 Scoop Scale, Two Wheel Truck, etc. Autocar Truck. Office: Burroughs Adding Machine, Steel Table, Desks, Chairs, Checkwriter, etc.

By order of Edward T. Simoneau, Trustee, 186 Main Street, Marlboro, Mass.  
Sale subject to confirmation by the Court.

**SAMUEL T. FREEMAN & CO.**

NO. 80 FEDERAL STREET

Established  
Nov. 12th, 1805

**Auctioneers**

BOSTON, MASS.









**RECEIVER'S SALE IN BANKRUPTCY**

In the matter of A. B. Fotch, Inc., Bankrupt No. 53028

**FUR COATS, SCARFS, PELTS  
AND EQUIPMENT****A. B. Fotch, Inc.****FURRIERS**

On the premises

**38 CHAUNCY STREET, BOSTON, MASS. (room 802)  
THURSDAY, APRIL 6, 1933**

AT 10:00 A. M.

1200 PELTS: Marten, Mink, Kolinsky, Fitch, Squirrel, Caracul, Skunk, Beaver, Nutria, Muskrat, Raccoon, Alaska and Hudson Seal and King Fox.

25 COATS: Leopard, Black and Brown Caracul, Mink, Hudson Seal, Sealine, Raccoon, Muskrat, Mole and Opossum.

37 SCARFS: Sable, Marten, Fisher, Mink, Silver and Pointed Fox, Blue, Red, Smoke, Brown and Black Fox.

PIECE GOODS AND LININGS, Large Lot FUR TRIMMINGS AND CUTTINGS.

EQUIPMENT: 4 OSANN FUR MACHINES, Lewis Sewing Machine, Model 41, Tables, Hangers, Sample Cases, Time Clock, etc.

RELIANCE ELECTRIC FUR CLEANING MACHINE.

Mahogany Desk, Chairs and Table; Adding Machine, Typewriter, Check Writer, Wall Cases, Lamps, Mirrors, etc.

MAHOGANY FINISHED STEEL SAFE CABINET. 1931 Nash Sedan.

By order of J. J. Silverman, Custodian Receiver, 43 Tremont St., Boston, Mass. Sale subject to confirmation by the Court.

**SAMUEL T. FREEMAN & CO.**  
NO. 80 FEDERAL STREETEstablished  
Nov. 12, 1805**Auctioneers**  
BOSTON, MASS.Catalogue**By MARK E. PEARLMUTTER****Auctioneer**

24 School St. CAP. 8595

**LIQUIDATION SALE AT PUBLIC AUCTION****Machinery & Equipment****W. S. BEST PRINTING CO.****530 Atlantic Ave., Boston, Mass.****Thursday, April 6, 1933 at 11 A.M.**

Sale comprises 2 Miehle Verticals, John Thompson Job Press, 2 Chandler & Price Presses, New Series, 1 Golding Press, 4-0 Miehle Cylinder Press with Upham two-colored attachment, Miehle Pony Press, No. 1 Miehle Cylinder Press, 2-2/0 Miehle Cylinder Presses, Pony Babcock Press, Model B Cleveland Folder with Automatic Feeder, 44" Seybold Cutter, Liberty Folder, Model 89, Rotary Perforator, Vandercook Proof Press, Boston Stitcher, Latest Model, Portland Punch, Miller Universal Saw Trimmer, Router and Jig attachments, 2 Hamilton Steel Top Stones, 2 Imposing Stones, 6-48 drawer Cut Cost Hamilton Cabinets with working tops, 4-24 drawer Hamilton flat top Cabinets, Extension fronts, 8 Type Cabinet Steel Galley Racks, Steel Galleys, A LARGE QUANTITY OF FOUNDRY TYPE, Standing Type, Desks, Chairs, Filing Cabinets, Typewriters, Adding Machine, Safe Cabinets, Book Cases, etc.

Terms: CASH.

The right is reserved to reject any and all bids.  
Catalogues on request. Plant open for inspection Monday, April 3, 1933, at 9 A. M., until time of sale.

**TRUSTEE'S SALE IN BANKRUPTCY  
AT AUCTION**

In the matter of

**PURITAN TEA ROOM, Inc.**

No. 3877

To Be Sold at Auction on the Premises

18 High St., Nashua, N. H.

**TUESDAY, APRIL 4, 1933, at 1:00 P. M.**

Extremely High Grade Restaurant

Modernistic Fixtures

SALE COMPRISES: 16 Mahogany Black Marble Top Tables, 15 Mahogany Booths with Leather Upholstered Seats and Backs, 9 ft. Soda Fountain, 2 Frigidaire Refrigerating Units with Motors, Electric Toaster, Electric Waffle Iron, 2 Coffee Urns, Electric Liquid Carbonator with Gauges and Motor, Scales, Electric Broiler, 5 Show Cases, Electric Ceiling Fans, Mahogany National Cash Register, Pittsburg Lion Automatic Water Heater and Tank (35 gal. capacity, 300 test pressure with valve and automatic pilot control), Mahogany Wall Fixtures, Gas Oven, Mahogany Counters with Marble Base, Steam Table, Seth Thomas Clock, Dishes, Silverware, Trays, etc.

Sale by the order of Jerry J. Haggerty, Trustee.

Sale Subject to Confirmation of the Court

Open for Inspection April 4, 1933 at 11 A. M.

Until Time of Sale

**AARON KROCK & CO., Auctioneers**

390 Main St. Dial 3-7262 Worcester, Mass.





**HARRY VAN DAM & CO. - - Commercial Auctioneers**  
**19 Milk St., Boston—Tel. LIBerty 8740**

**LARGE STOCK OF FURNITURE  
 AT PUBLIC AUCTION**

**Assignee stock of MORSE & BIGELOW STORE, Inc., together  
 with another retail stock of fine furniture to be sold in lots  
 to suit.**

**TUESDAY, APRIL 4, 1933, at 10 A. M.**  
**at HOWARD STORAGE WAREHOUSE (Berry & Tibbetts)**  
**6 HOWARD ST., ROXBURY, CORNER HAMPDEN ST.**

**LIVING ROOM**—Suites in Mohair, Denim and Tapestry, Secretaries, Desks, Rugs in all sizes, Davenport and occasional Tables, Mirrors, Pictures, Smoking Stands, Lamps, Coxwell Chairs, Reed Furniture, Studio Couches.  
**DINING ROOM**—Mahogany and Walnut Suites, Chairs, Rugs, Floor Covering, Dinette Sets, Dinner Sets, Linoleum, Silverware.  
**BEDROOM**—Suites in Walnut, Dressers, Chests of Drawers, Cedar Chests, Cribs, Mahogany Beds, Metal Beds, Inner Spring Mattresses, Pillows, Springs, Rugs.  
**MISCELLANEOUS**—Beach Carriages, Porch Chairs and Hammocks, Toys, Nursery Chairs, High Chairs. **KITCHEN and BREAKFAST ROOMS**—Refrigerators, Art Squares, Floor Covering, Gas and Gasoline Ranges, 5 pc. Suites, Tables, Chairs.  
**FIXTURES**—25-arm Steel Rug Rack, Rack for Small Rugs, 2 Silent Salesman Show-cases, Lot of Plate Glass Mirrors.  
 This sale will be of interest to all parties who can use fine new furniture at auction prices. Goods may be examined all day Monday.  
 Sale by order of N. E. Mercantile Corporation, 19 Milk St., Liquidators, Boston.

Inclusion of Stock of Another

Each Lot a Separate Contract

ANTIQUES  
 AT AUCTION  
 HARRY VAN DAM  
 19 MILK ST. BOSTON  
 TUESDAY, APRIL 4, 1933  
 10 A. M.  
 HOWARD STORAGE WAREHOUSE  
 6 HOWARD ST., ROXBURY  
 CORNER HAMPDEN ST.





*Chas. A. Lyons Auctioneer*  
*Boston. Tel. 1212 Regent*

## RESTAURANT FIXTURES

Tuesday, April 4, at 2 P. M.

1005 Beacon St., Boston

I will sell at public auction at the above stated time and place, fixtures consisting of Black glass top tables, Bentwood Chairs, Booths, Mahogany Cash Register, Orange Juice Extractor, Electric Drink Mixer, Electric Fudge Warmer, Delicatessen Case, Safe with steel chest, Cigar Case, Rudd Heater, 2 Coffee Urns, 2 Gas Ranges, Dishes, Royal Typewriter, Etc. Fixtures in first class condition. For particulars, CHAS. A. LYONS.

## Warranties

## ANTIQUES AT AUCTION

At the Masonic Temple  
 Washington Street, Dedham, Mass.

**AUCTION DAYS:**  
**THURSDAY, APRIL 6th**

at 2:30 P. M. and 8 P. M.

**FRIDAY, APRIL 7th**

at 10:30 A. M.—2:30 P. M. & 8 P. M.

**SATURDAY, April 8th**

at 10:30 A. M. and 2:30 P. M.

## EXHIBITION

**THURSDAY, APRIL 6th**

from 10 A. M. to 2.30 P. M.

An extraordinary chance to furnish your country home or town house from a collection of hundreds of pieces of American and English furniture and household effects from many New England homes and storage, to be sold to the highest bidder. Cash must be realized. A few of the pieces are a very fine Sheraton Sathwood Secretary, Bureaus, Mahogany Serpentine front Desk, Sideboard, Dining Chairs and Tables, Beds, Clocks, Mirrors, Hooked Rugs, China, Glass, Solid and Sheffield Silver and a number of pieces in old Pine.

Sale Under the Direction of J. B. Beauregard





Another topic that might well be used for a round table conference is Wills. Everyone should realize the importance of making a will and particularly the unreasonableness of attempting to restrict the use which the donee shall make of the property he receives. While the high school law class should not be allowed to delve too deeply into the problem of making a will and administering an estate, the pupils should understand the underlying principles governing wills. To cover the ground and leave something tangible with the class a summary similar to the following is suggested, to be mimeographed and handed to the class.

#### REQUIREMENTS OF A WILL

A will may be revoked at any time during the testator's life by burning, cancelling or obliteration with the intention of revoking it.

This may be done by the testator or by some one else in his presence and at his direction.

To cancel, the word "cancel" or "null" must be written across the face of the will.

To obliterate, the signatures of the testator and witnesses may be obliterated.

To revoke a will by writing the testator must sign his name and have it witnessed by three witnesses.





## SUMMARY OF WILLS

A will is an instrument by means of which a person provides for the disposition of his property to take effect after his death. The person making the will is called the testator. If the gift is real estate, the beneficiary is called the devisee; if personal property, the legatee.

### Requisites of a valid will

The testator must be of full age; he must be of sound mind. Since 1842 married women have been able to make wills.

No special formality in the wording of a will

A will must be in writing

The only oral will - known as a nuncupative will - that can be made is one made by a mariner at sea or a soldier in actual military service to dispose of personal property.

A will must be signed by the testator

Or by a person authorized by him and in his presence

A will must be attested

Three witnesses necessary in Massachusetts

Witness can not be one who is to receive anything under the will unless there are three other witnesses; nor husband or wife or a beneficiary. Any person of sufficient understanding is a competent witness.

Witness need not know the contents of the will; he witnesses signature of the testator.

### Revocation of a will

A will may be revoked at any time during the testator's life by burning, cancelling or obliterating it with the intention of revoking it.

This may be done by the testator or by some one else in his presence and at his direction.

To cancel, the word "cancel" or "void" must be written across the face of the will.

To obliterate, the signatures of the testator and witnesses may be scratched out.

To revoke a will by writing the testator must sign his name and have it witnessed by three witnesses.





A will may be revoked by a codicil in so far as the codicil provides.

A codicil is a "little will".

It must be executed with all the formality of a will.

Generally speaking a codicil brings a will down to date and republishes it.

Marriage revokes a will unless it is made in contemplation of marriage.

Must be in contemplation of marriage to the person so contemplated at the time of making the will.

### Miscellaneous facts

One may dispose of his property as he wishes, except that the widow or widower can not be deprived by will of the right of dower or curtesy.

One may dispose of property he doesn't own at the time of making a will by including a "rest and residue" clause.

Proponent - one who wishes to have the will allowed

Executor - one named in the will by the testator to distribute his property after death

Administrator - one appointed by the court to administer will if executor is not named by the testator

A will conveying real property must be executed in conformity to the laws of the state where the land is situated; one conveying personal property, in state where testator has his domicile.

A general legacy is one payable out of the general assets of the estate.

A specific legacy is a gift of some definite, specific thing capable of being designated and identified.

A demonstrative legacy is one of a certain amount or quantity, the particular fund or property being pointed out.

A will does not become effective until after the death of the testator.

If the property devised should be conveyed before the will is in effect, then the will is inoperative in so far as that particular property is concerned.

A child not provided for by the testator takes the same share of his estate as he would have taken had the testator died intestate, unless it appears that the omission was intentional.





That it will be difficult to arrange such round table conferences the writer fully appreciates. Yet the teacher of vision will utilize every opportunity to increase the popularity of his law course. In one school in a nearby city the law class was so enthusiastic over its work that the members asked if there was not some way of their continuing their study of law. In such a case the round table conference idea might offer a means of fulfilling the wishes of the class.

There are many topics which might thus be introduced to the law class for which in the present traditional high school law course there is not time. To quote an authority on the subject --

"Once in two weeks you'll find the teacher having a round table conference. Perhaps the day is being spent on torts, a subject not generally treated in the texts, and it may be a wise time to initiate a class into the mysteries of slander and libel. The teacher may have chosen the topic or it may have been asked for by a student, but at least it has been announced for two weeks and it has been talked over at home and in the school, and students who have study periods have been invited to participate in the discussion. It has taken extra time of course to search for material but the joy was in the giving, in the interest aroused and in the practical help passed on. Then community problems are discussed from time to time. Usually these constitute special assignments, as the regular work suggests them. 'For what purpose may taxpayers' money be spent?' 'Who is liable for defects in the city highways?' And so it goes." (1)

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(1) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A., Fourth Yearbook, p. 112.





## CHAPTER XV

## METHODS OF MOTIVATING THE TEACHING OF LAW

"Industry, economy, honesty and kindness form a quartette of virtues that will never be improved upon."

---James Oliver

The problem of motivating the teaching of law involves the question of teaching devices and aids that a teacher may use to make his instruction vital. True, there is little time in the already over-crowded high school law course to attempt very many projects. Yet in no other course is there such need for the use of teaching methods and devices that will hold the interest and enthusiasm of the pupils.

The teaching aids and devices mentioned here are only suggestive. Not all of them could be used in any one class, and any suggestion made here would have to be adapted to the needs of the particular class. Only those projects should be used that suit the conditions existing in a particular school and those selected that will give the richest possible content in the time allotted to the subject.(1)

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(1) State of New Jersey, Course of Study in Business Law,  
p. 37



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Nor do the suggestions made here exhaust the possible devices which may be used. It would be impossible to include all of the many helpful suggestions that may be found in the references listed in the Bibliography on pages 300 to 308. Furthermore, the teacher of law will think of new ideas for each class that she teaches.

### Use of Illustrations

In the teaching of law the teacher will naturally begin with the theory which the subject of "Evidence" lays down, that the best evidence is the real evidence and next to that is the copy or picture of the real evidence. Much of one's teaching must, of course, be done through the use of "copy", but real evidence should be used wherever possible.(1)

Reference has already been made to the necessity of illustrating the text with supplementary cases and  
(2)  
problems, but it may well be repeated here that in order to make her instruction vital the teacher must, first of all, learn to illustrate the text. In the application of principles to specific cases, the cases cited in the text should be supplemented by situations known to the pupils.

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- (1) P. Gabriel, Visual Aids in Education, The Balance Sheet, October, 1931, p. 63.  
(2) Supra, p. 153.





This will make the illustrations far more vivid and real, and the principle will be remembered much more easily, particularly its application.

Such use of illustrations may even be turned into projects for the class or individual members of the class by assigning questions brought up in the class to be looked up and reported on. They may even serve as an incentive to the class to do a little project work of their own. The Teacher's Handbook which accompanies Gano's "Commercial Law" text cites several interesting examples of such use of illustrations.(1)

"One lad of sixteen sat in class during a discussion of the principle of Restraint of Trade as illustrated by the extent to which the purchaser of the good will of a business can restrain the seller. He was at the teacher's desk promptly at the close of the exercise to inquire whether his father, who had just sold a small shoe business, under an agreement not to engage in a similar business within a radius of one mile, for one year, nor to rent the store to any other party during that time for the purpose of carrying on the shoe business, could be legally restrained from so renting the premises. The opinion of a competent lawyer was obtained, covering the boy's question, and the case was put hypothetically to the class the next day. That boy and his associates immediately showed a quickened interest in the study and they were never known to miss the law class. They caught every word and held their own in discussion with students five to ten years their seniors. Gradually, students thus aroused begin to watch the newspapers and listen to their elders at home for cases to bring up in class." (2)

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- (1) Teacher's Handbook, Gano's Commercial Law, Revised, pp. 8-12.  
 (2) Ibid, pp. 8,9.



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- (1) Teacher's Handbook, Gano's Commercial Law, Revised, pp. 8-12.
- (2) Ibid., pp. 8, 9.

"The local papers contained an account of the finding of several thousand dollars by some boys who were playing near a deserted house, and about the same time the current number of a law-student's magazine contained a statement of a case somewhat similar. Certain students were assigned to look up these cases and report to the class as to the ownership of the treasure. It did not take much of the students' time nor require the teacher to expend very much effort to learn something of the law on this question, and it proved a most pleasing topic for a preliminary to the lesson, with the result that the regular work was taken up with increased interest."(1)

"One young man in a class listened to an explanation of the term 'Indenture', and it immediately occurred to him to look into an old trunk containing papers handed down from his great-grandfather, who was a United Empire Loyalist. He was rewarded by finding a document granting land in original indenture style, with the scalloped edge and heavy seal, consisting of a plaster case attached to the instrument by means of tape and sealing wax. The document was more than a hundred years old and served as an excellent object lesson for the class, especially as it was contributed by one of their number."(2)

There need be no law lesson that will not furnish its quota of questions and illustrations such as these, practical, valuable, and bearing on the subject matter of the lesson. Once let the pupils become interested in actual cases and illustrations and they will be more willing to study the more difficult topics in the course for they will soon understand the necessity of such study if they understand the cases presented to them.

---

(1) Teachers' Handbook, Gano's Commercial Law, Revised,

p. 9

(2) Ibid, p. 11.



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(1) Teachers' Handbook, Wagon's Commercial Law, Revised, p. 9.  
(2) Ibid., p. 11.

Arnon W. Welch has said: "The best way to introduce a rule of law is with a good story, taken from a reported decision. Hypothetical cases are often inaccurate and usually misleading. They have neither the illustrative nor the practical value that decided cases have. Select the case with care; master the story; tell it briefly, clearly, and simply; then apply the rule and clinch it with the authority of the Court."<sup>(1)</sup> Can we not go Mr. Welch one better! In one volume alone -- Lunt's "The Road to the Law" -- there is a wealth of cases, told most interestingly in story form, which involve fundamental principles. And a principle derived from stories like these would never be forgotten. Illustrate the text -- first with such a story portraying the scene that led to the establishment of such a principle (even the poor story teller can memorize and thus use these stories so cleverly are they interpreted in this book); state the principle; then illustrate it again with a more recent case decided by the court; state the court's decision; and then once again illustrate, if possible, with a current case involving the same principle.

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(1) A. W. Welch, The What, Why, and How of Commercial Law, E.C.T.A. First Yearbook, p. 321.



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(1) A. W. Welch, *The What, Why, and How of Commercial Law*, N.C.T.A. First Yearbook, p. 221.

The alert teacher will clip from newspapers and magazines articles which involve principles of law and have them for reference as the principles are discussed in class. Just a few articles clipped while reading the daily paper alone will furnish a wealth of current case material which the teacher of law can utilize to advantage. Furthermore, she may build quite a scrap book out of such material and thus have available a wealth of knowledge for her own use.

#### Use of Diagrams and Charts

The use of diagrams and charts may be extended to almost any subject in law. For example, on page 256 is a chart showing the layout of the Federal and state courts. This is a change from the outline form generally put on the blackboard to show the main points to be discussed in the lesson. Furthermore, it gives a concrete picture of the entire set-up of the courts and permits the inclusion of much more material than may be shown in outline form. Such a chart might be drawn on a large sheet of paper and placed in front of the class where the teacher may conduct the recitation based on it.

Another example of the use of a chart is one relative to the passage of a bill through the legislature.





# THE COURTS

"King's Palace" A place where justice is judicially administered

## FEDERAL COURTS

Instituted by the Constitution and acts of Congress—Hear controversies arising under the Constitution, Laws and treaties of the U.S.; those between states and citizens of different states

### SUPREME COURT of the U.S. at Washington, D.C.

Chief Justice

Eight Associate Justices

### CIRCUIT COURT OF APPEALS

Made up of judges chosen from several districts. Reviews matters of law but not of fact.

### DISTRICT COURT

Has jurisdiction over a district—Sits at law and in equity—Final court of fact—Also Bankruptcy court.

## STATE COURTS

Organized upon basis of three writs of territorial jurisdiction—inferior courts, superior courts, supreme courts

### SUPREME JUDICIAL COURT

Chief Justice

Six Associate Justices

### SUPERIOR COURTS

Great trial by jury court  
1 Chief Justice and 31 associates

"Common Law" or "Jury" Sessions

Equity Court

Courts of Probate and Insolvency

Land Court

District Courts

Municipal Courts

### INFERIOR COURTS

Trial by judge without a jury. Jurisdiction over small crimes and smaller civil actions

### DISTRICT COURT OF APPEALS

A higher intermediate court which hears appeals on alleged errors of law.

to U.S. Supreme Court only on questions involving constitution of the United States



THE  
COURT

FEDERAL COURTS  
Established by the Constitution  
of the United States and the  
Federal Judiciary Act of 1789

SUPREME COURT  
OF THE UNITED STATES  
EST. 1789

CIRCUIT COURTS  
OF APPEALS  
Established by the Judiciary Act of 1789

DISTRICT COURTS  
Established by the Judiciary Act of 1789

Only a very limited amount of time, if any, can be spent on such a subject as this, yet it is one with which every future citizen should be familiar. A chart such as that on page 258 gives a picture which can be explained in a short space of time and yet will remain in the pupil's mind. This particular subject may be further illustrated by showing to the class some of the documents used, such as an act and a resolve after being engrossed, and the final printed copy of the bill for publication, copies of which may be secured from the State House. Thus this idea may be extended to include the legal forms used in a transaction.

It has also been suggested that charts and diagrams might be developed on the blackboard with the help of the pupils, thus giving them an opportunity to visualize the topic under discussion and get a clear picture of the story.(1)

The teacher of law should develop charts or diagrams for use in the teaching of any subject or topic where relationships may be brought out more vividly through the use of such a device. In connection with the history and development of the law and the chart suggested on page

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(1) H. F. Pratt, How Do You Introduce Commercial Law,  
Journal of Business Education, June, 1931,  
p. 33

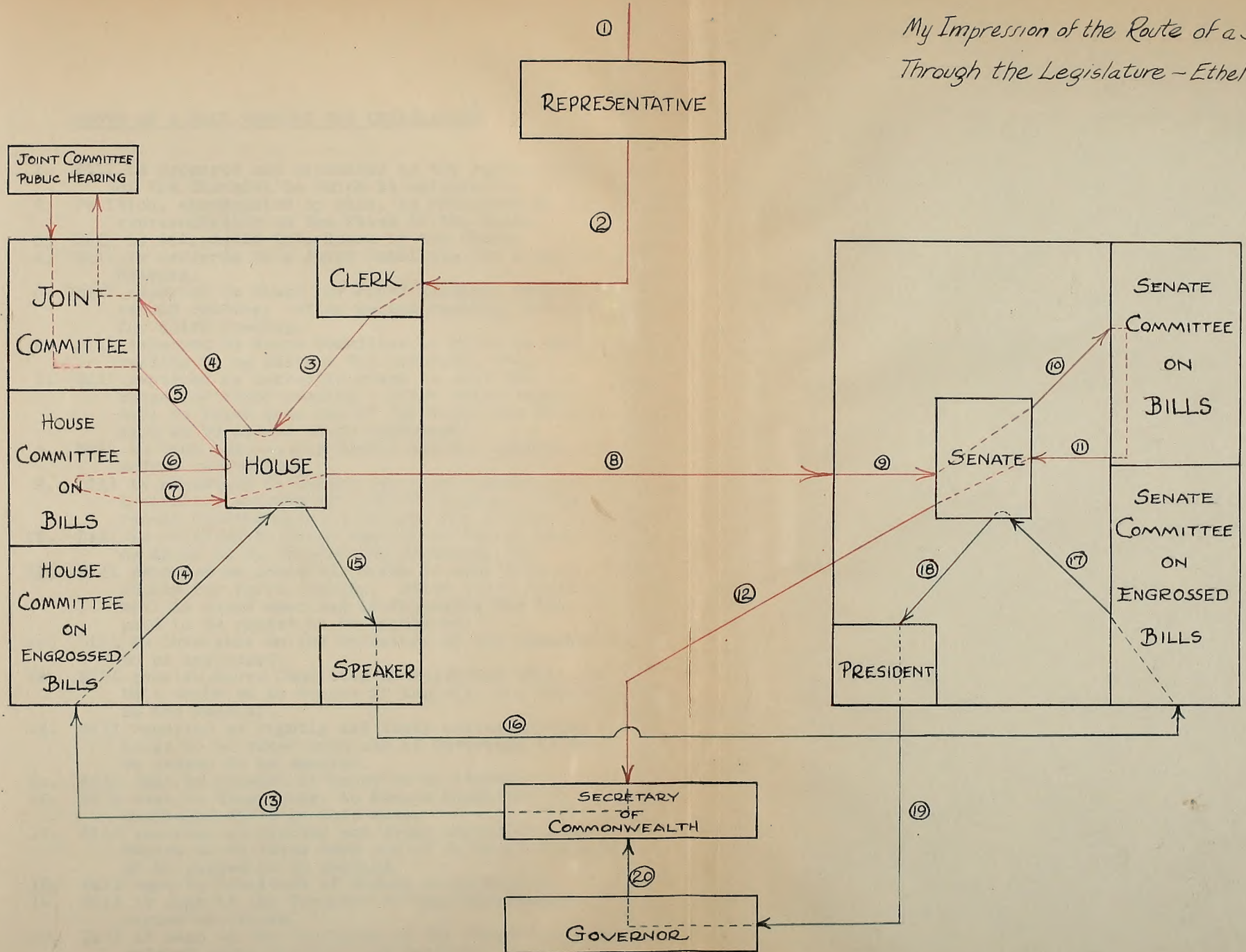


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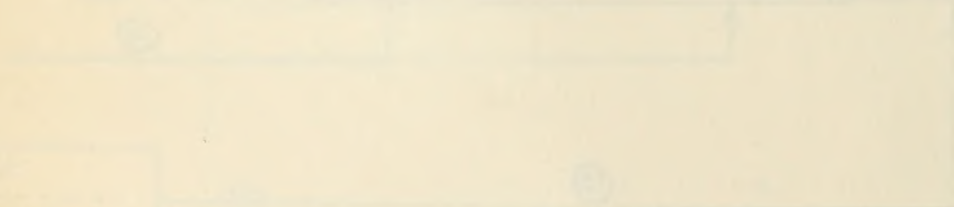
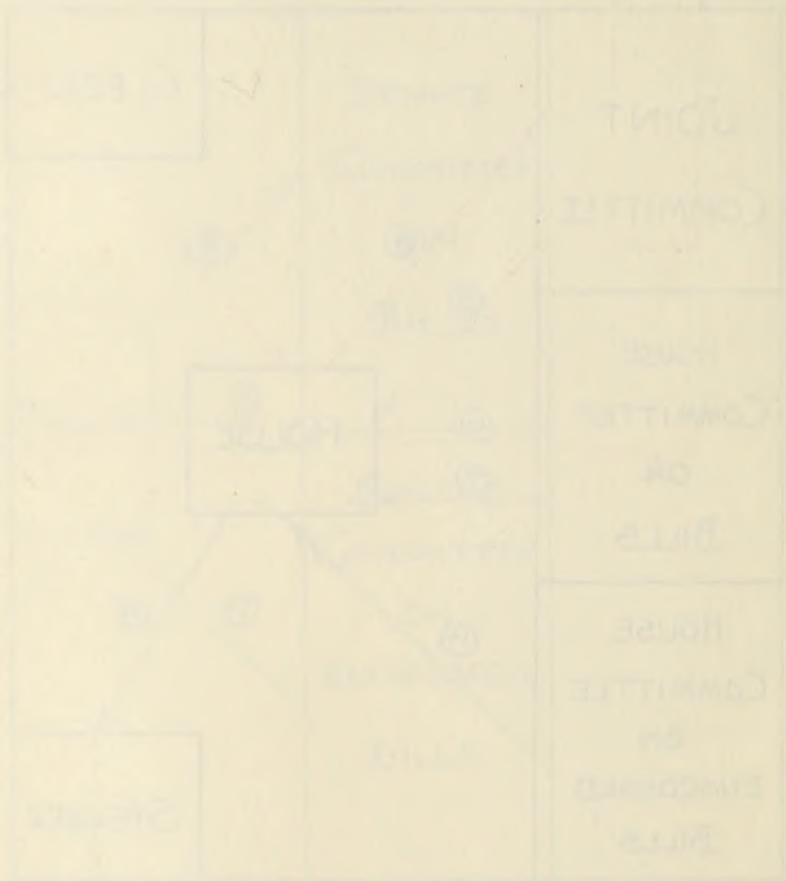
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*My Impression of the Route of a Bill  
Through the Legislature - Ethel D. Green*





Joint Committee  
on Education



Joint Committee  
on Education

House Committee  
on Education

(1)

ROUTE OF A BILL THROUGH THE LEGISLATURE

1. Bill is prepared and presented to the representative of the district in which it originates.
2. Petition, accompanied by bill, is presented by the representative to the Clerk of the House.
3. Bill is introduced into House by the Clerk.
4. Bill is referred to a Joint Committee for a public hearing.
5. Bill reported to House for First Reading, ordered for second reading; After second reading, ordered for third reading.
6. Bill referred to House Committee on Bills in third reading to be checked for accuracy, etc.
7. Bill reported as correctly drawn is sent back to House for third reading. After third reading bill is voted upon and if favorable the bill is said to be passed to be engrossed.
8. Bill is then sent to the Senate where a similar procedure is followed.
9. Bill is presented in Senate for first reading and if favorable, ordered for second reading. After second reading bill is ordered for a third reading.
10. Bill is referred in third reading to Senate Committee on Bills to be checked for accuracy, etc.
11. Bill reported as correctly drawn is sent back to Senate for third reading. After third reading bill is voted upon and if favorable the bill is said to be passed to be engrossed.
12. Bill is then sent to the Secretary of the Commonwealth to be engrossed.
13. Bill goes to House Committee on Engrossed Bills (or this would be to Senate if the bill had originated in the Senate).
14. Bill reported as rightly and truly engrossed goes to House to be voted upon and if favorable is said to be passed to be enacted.
15. Bill sent to Speaker of House to be signed.
16. Bill sent to other body, to Senate Committee on Engrossed Bills in this case.
17. Bill reported as rightly and truly engrossed goes to Senate to be voted upon and if favorable is said to be passed to be enacted.
18. Bill sent to President of Senate to be signed.
19. Bill is sent to the Governor of the Commonwealth to be signed or vetoed.
20. Bill is sent to the Secretary of the Commonwealth and entered among the Acts and Resolves for the year.

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(1) Adaptation of material in A Citizens' Guide, published by the Committee on Education for Citizenship, Boston Equal Suffrage Association for Good Government, Boston, Mass.





228-A, a diagram of the sources of the law would be most helpful and instructive to the pupils. Another chart might be developed to show the relationship of all the subjects covered in the course which are a part of contractual law. This is a project that might well be worked out by the class. For instance, a chart on contracts is developed showing the kinds and subdivisions of contracts. Each block on the chart would be starred to refer to another chart, for example a chart on sales which would show the fundamental principles governing sales. On the back of the charts might be placed a typical case illustrating each of the principles contained in the chart.

Free use should be made of this teaching device throughout the law course for things seen through the eye are more easily understood and make a more lasting impression.

#### Use of Note Books

The use of note books was referred to in connection with the Bulletin Board. What form the note book will take and what will be included in it are questions for the individual teacher to decide. The writer would suggest the use of two books -- one called a "clipping book" and the other a "class note book". A suggestion as to the content of these books follows.



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## CLIPPING BOOK

Section I - Clippings, at least one a week, taken from current newspapers on which significant words or phrases suggesting legal questions are underlined. The pupil is required to look up and write out information pertaining to the words or phrases underlined. (See illustration of set-up on page 261.)

### II - Research Problems

Questions which have been assigned to the class for research, suggested either by the teacher or by members of the class; also any posted on the bulletin board. The question, the correct answer, and the source of information should be noted. The pupil will thus have much useful reference material when he completes the course. (See illustration on page 262.)

### III - Scrap Book

This is the pupil's own section. It would contain articles he had found pertaining to law; clippings he was interested in, other than those required in Section I; pictures -- anything along the line of law. In this way the teacher can test the pupil's power of observation and the extent of his interest.

Such original research work -- perhaps with a suggestion or two from the teacher -- might lead to projects originating with and carried out by the pupil, such as following up a case in the papers and possibly tying it up with other subjects he is studying, such as history, civics, or government. An example of the latter suggestion would be the following of a case in the papers on the extradition of an individual from one state to another.



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ILLUSTRATION OF SET-UP OF CLIPPING SECTION

Clipping No. \_\_\_\_\_

Name of paper from which  
clipping was taken

Due \_\_\_\_\_ (date) \_\_\_\_\_

Date of paper

Research Problem

Is an attorney liable for money which has been  
paid over to him for a client?

The clipping neatly  
pasted on the sheet  
in such a position as  
to allow for an attrac-  
tive arrangement of the  
explanation of the word  
or phrase underlined.

An explanation of the  
word or phrase under-  
lined, neatly written  
or printed, typewrit-  
ten if possible, this  
explanation to be at  
the side, above or  
below the clipping,  
depending on its posi-  
tion on the paper.

Source of Information

General Laws, Chapter 221, Sec. 22

Reference: from which the explanation was quoted.





## ILLUSTRATION OF SET-UP OF RESEARCH SECTION

### Research Problem

Is an attorney liable for money which has been paid over to him for a client?

### Penalty for not paying over money to client

An attorney at law who unreasonably neglects to pay over money collected by him for and in behalf of a client, when demanded by the client, shall forfeit to such client five times the lawful interest of the money from the time of the demand.

### Source of Information

General Laws, Chapter 221, Section 51





## CLASS NOTEBOOK

### Section I - Class Notes

- a. Topical outlines of material discussed -- furnishes a summary of the subjects covered in the course.
- b. Recapitulations given at the conclusion of each subject -- to fix main points firmly in mind; also afford practice to the pupils in determining the salient points in the lesson.
- c. Any new material furnished by the teacher.
- d. Summaries of any special assignments reported by individual members of the class.
- e. Brief outlines of any addresses by special lecturers.
- f. Miscellaneous notes made by the pupil.

(Much of the material in this section will be copied from the blackboard or it may be mimeographed material given to the class during the course.)

### II - Assignments and Quizzes

Pupils should be trained to keep their completed assignments as they often afford a most convenient means of review. Pupils should also be encouraged to correct any errors in these assignments and thus profit by their own mistakes.

### III - Special Projects

which have been assigned to the class as a whole or to the individual pupil.





The notebook and clipping book, which may be combined if the teacher so desires, offer the pupil something tangible with which to work; also something which he feels is his own. The alert and interested teacher will establish some method of competition to stimulate the interest of the pupils and encourage additional and individual research work. If such books are kept properly the pupil will have a very valuable source of reference material when he completes his law course.

#### Special Lectures and Field Trips

Lawyers and prominent business men might well give lectures from time to time either on a subject under discussion in class or on some question in which the class has expressed interest. These lectures afford an opportunity to bring the pupils in closer contact with the application of some of the principles of law they have been studying, but special lecturers should be cautioned not to make their talks too technical and not too long. The pupils, also, should be required to take notes on the lecture and make a comprehensive report on it so that they will gain something of value from the lecture and not consider it just a form of entertainment.





It has also been suggested that groups of pupils make investigations or have interviews with prominent business men or lawyers regarding some of their legal problems. The success of such a project will depend largely on the community and the attitude of such men toward the schools. It must be granted, however, that field trips, so-called, conducted by the teacher or some one fitted to explain the trip to the pupils, are very valuable. It is appalling when one considers the number of people who have never seen the inside of a court house, have never seen a legislative body in session, perhaps have never seen the inside of their state house, or their county offices such as the Registry of Deeds. It is essential, however, that the class understand why they are going on one of these trips, what they are to expect and to look for, and what application is to be made of the knowledge acquired.

Of those mentioned, a trip to a court room, preferably to hear a civil case which will be completed in one day, should be made early in the year and followed by one or two more visits if possible during the year. Besides hearing the actual trying of a case the class should be taken through the court house and have the functions of





the various departments and the court officers explained to them. Any such trip should be made more or less of a project, the pupils being required to make some report or do research work in connection with it.

### Construction Work

Many writers advocate the drawing up and filling in of legal forms, labelling such work "Construction Work". This seems rather a waste of time, however, since so few pupils ever will have to construct such forms or even have to make them out themselves. Could not the same purpose be accomplished by showing the form, explaining it, pointing out the essential requirements and the reasons therefor?

### Dramatization

Although almost any subject in the study of law may be dramatized by the pupils, using the papers involved and the probable conversations, the art of dramatization has its greatest possibilities in the holding of moot courts and mock trials. Probably the greatest project that could be undertaken in a high school law class would be the writing of a mock trial, but this could not be used very often as few pupils have the ability to write. The idea of the mock trial, however, can and should be used to great advantage. By means of a mock trial, or a moot court, in





which each pupil is given a particular role to play, with the teacher preferably acting as judge, the pupils become familiar with court procedure. If a court visit can be made early in the year the class will undoubtedly be anxious to put on a mock trial. Possibly the case heard in court could be reproduced, particularly if this were planned for so that the pupils could be required to make careful notes of the proceedings.

The Handbook for Nichols and Rogers "Short Course in Commercial Law" contains seven moot court cases together with such complete instructions for conducting them that even the inexperienced teacher need not forego the pleasure of including a mock trial in her course.(1) Two mock trials have been written recently and published in the Balance Sheet, both of which are highly recommended for high school use.(2)

After such a play has been mastered it could well be given at a school assembly and might do much to arouse the interest of other pupils in the study of law. "There is no better way," quoting from Nichols and Rogers, "to arouse the interest of a law class, and in fact, the whole school, in law work, than to hold one or more moot courts during the school year."(3)

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(1) Nichols and Rogers, Teacher's Handbook, pp. 73 to 96.

(2) J. F. Connell, The Slander Case, The Balance Sheet, May, 1932, pp. 322 to 329.

C. Apel, A Mock Trial, The Balance Sheet, October, 1933, pp. 68 to 77.

(3) Nichols and Rogers, Teacher's Handbook, p. 73.



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- (1) Nichols and Rogers, Teacher's Handbook, pp. 73 to 98.  
 (2) L. F. Connell, The Balance Sheet, The Balance Sheet, May, 1932, pp. 322 to 329.  
 C. Abel, A Mock Trial, The Balance Sheet, October, 1932, pp. 68 to 77.  
 (3) Nichols and Rogers, Teacher's Handbook, p. 73.

### Other Projects

Many projects have been suggested to be used as an incentive for further study by the pupil. These projects not only enable the teacher to cover much material that could not otherwise be covered in the class discussions, but they train the pupils' powers of observation and investigation.

In one article alone, "Projects in Commercial Law" by Grace M. Marshall of the High School at Rutherford, New Jersey, many suggestions are given for both major and minor projects. <sup>(1)</sup> State courses of study and many of the articles listed in the Bibliography at the end of this paper give equally as fine suggestions.

Because the mere listing of titles which might be given to the suggested projects would be of little value without rather complete explanations of the procedure involved, no attempt has been made to list them here. Perhaps at some future time the writer will have an opportunity to study these suggestions more fully and be better qualified to make recommendations regarding them.

It must be recognized, too, that at the present time few teachers of law are in sympathy with the idea of projects for use in the teaching of law. Therefore, anyone recommending such projects should be in a position to

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(1) G. M. Marshall, "Projects in Commercial Law", The Journal of Business Education, June, 1932,





try them out personally in a law class before making any recommendations.

### Cross Word Puzzles

Just a word might be said, however, about what is perhaps the latest type of project tried in any class -- the making of cross word puzzles. This was suggested by a teacher in the Vermilion High School, Vermilion, Ohio.<sup>(1)</sup> Her suggestion was to have the pupils make out the cross word puzzles and then have them solve each other's puzzles.

While this project seems rather difficult for very general use, it offers a very valuable means of testing the pupils on legal terminology. Therefore, it is suggested here that the teacher might construct a cross word puzzle, made up as largely as possible of only legal terms, and give it to the class as a sort of test.

Difficult and time-consuming, yes. But no one can make a success of teaching law unless he is willing to spend a great deal of time thinking up new ideas for use in his class work. As Theodore Roosevelt is so often quoted, "The law of worthy life is fundamentally the law of strife. It is only through labor and painful effort, by grim energy and resolute courage, that we move on to better things."

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(1) T. Blanchat, Commercial Law Project, The Balance Sheet, April, 1933, p. 368.





## CHAPTER XVI

### MEASURING RESULTS

"Speech is the index of the mind."  
---Seneca

Little has as yet been done to standardize the methods of testing in business law. From the facts pointed out throughout this paper it is obvious that the standardization of testing material in this subject is almost an impossible task, at least until there is more uniformity in the material covered in the course. While a few standardized tests are now available from publishers of textbooks in law for high school use, they are not numerous enough to dispense with the necessity for the teacher to make up tests for his own class.

It is, therefore, the responsibility of the teacher to prepare such testing material as will adequately measure the results attained by the class, point out the weaknesses and determine the progress made by the class.(1) And probably the best advice that may be given the teacher of law regarding the preparation of examinations and quizzes is, "Just be sure that your work and your tests

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(1) State of Oklahoma, High School Course of Study in Commercial Subjects, p. 36.





are daily challenges to your students. Never let this be a snap course."(1)

### Types of Tests and Examinations Best Suited to the Subject

In the teaching of law the new type objective tests may perhaps be used less than for any other subject. There is no substitute for the case method of examination after the principles have been learned.(2) But whatever the type of test used, questions that ask for definitions or for a summary of rules on a certain question should be omitted. The important thing to be tested is not whether the pupil can state a definition or formulate a set of rules, but rather whether he can apply the principles he has learned.(3) Therefore, cases, in the form of problems, should be used liberally to make sure that the pupil can apply principles.

A very effective way of opening a daily recitation is by means of rapid fire questions or a "one-word" test for review of the important points covered in the previous day's work. They may be either an oral or a written test -- questions asked rapidly which may be answered in a few words.(4) A paragraph in which the key words are

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(1) B.N.Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 112.

(2) Dallas, Texas, High School Course of Study, p. 60

(3) Kahn and Klein, Principles and Methods in Commercial Education, p. 333

(4) B. N. Page, Modern Methods of Teaching Business Law, E.C.T.A. Fourth Yearbook, p. 110.





missing may also be used for daily review or for the purpose of testing legal terminology.

Frequent short tests, both oral and written, should be given covering short units of work with more comprehensive written tests on the completion of a unit.

Written tests given at the conclusion of a particular topic will induce definite thinking on the points covered in the text, will encourage the proper attitude toward the study of the subject, and will help the pupil remember important points that might otherwise be forgotten.(1)

Written tests make it possible to fix more thoroughly important principles studied while oral tests make it possible to test the pupil's ability to apply the rules quickly and accurately.(2)

The question and answer, or essay, type test is of little value in the teaching of law because little ground can be covered and the answer is apt to be indefinite and rambling. The pupil is too immature, has not had enough training to express himself concisely; and because of the long explanation the pupil has to make there is much opportunity for bluffing.(3) The essay test is not, therefore,

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(1) State of New York, Syllabus in Commercial Subjects, p. 35.

(2) State of Montana, High School Commercial Subjects, p. 560.

(3) State of South Dakota, Commercial Course of Study for Secondary Schools, p. 138.





an adequate and comprehensive method of testing ability and progress, though it will have to be used to some extent to test knowledge of general principles of law.(1)

The case problem, it has already been intimated, is the best method of testing ability to apply principles. Unlike the essay type of test, the case problem method calls for a definite answer -- the decision of the court and the reason for that decision. The teacher is not obliged to read in the meaning of the pupil and the examination is more easily corrected and graded.(2)

Of the new type, objective tests there are three that are used to considerable extent in business law -- the true-false, multiple choice, and completion types. The true-false test is not to be recommended because in law, as in no other subject, should there be no opportunity for the pupil to learn a false principle of law. And many times a false statement in such a test may be remembered by the pupil as a true one. A modification of the true-false test is the yes-no or right-wrong test, each of which has all the advantages of the true-false test -- economy of time, ease in scoring, inclusion of more material to be

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(1) State of Texas, The Teaching of Commercial Subjects,  
p. 53.

(2) Kitson, Commercial Education in Secondary Schools,  
p. 154.





tested -- plus the added advantage of not leaving false impressions in the pupil's mind.(1)

The multiple choice and completion tests have not been used as extensively in law as has the yes-no or true-false test, although the completion test particularly is a very helpful device in fixing legal terminology in the minds of the pupils.(2) Occasionally, a matching test is used, although its use is the exception rather than the rule because of the difficulty of making such a test in law.

No one type of test should be used to the exclusion of all others, however, each having its particular part to play in the testing process of the whole course. In fact, for any topic in the study of law, a combination of these types of tests makes a very comprehensive examination, and particularly so for a completed unit of work. Such an examination will reveal the grasp of the principles, the ability to apply them to business transactions, and the general progress of the class. The answers will necessarily be short and to the point without sacrificing the elements of understanding and reasoning; the test appeals to the class; and the time of both teacher and pupils is conserved.(3)

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- (1) Miller, Methods in Commercial Teaching, pp. 130,131.
  - (2) Ibid, p. 131
  - (3) Kitson, Commercial Education in Secondary Schools, pp. 155,156.





The final examination, however, should consist of questions on rules and principles of law, and of case problems to which the principles of law apply.(1) This will necessitate a combination of the various types of tests used throughout the year. If the testing throughout the course has been frequent and comprehensive, the final examination will be of little trouble to either teacher or pupil.

### Grading

The writer has had no experience with grading in the subject of law and was unable to secure enough information on the subject to draw any conclusions. For that reason an authority on the subject has been quoted.

"Business law is not a subject which lends itself to minute numerical grading and even the conscientious teacher must content himself with but a fairly close approximation of the ability and progress of the individuals composing a class. Because of the wide difference in ability to express thoughts and facts a latitude must be allowed. The student of halting speech, coming from a poor home environment, may have a grasp of the subject equal to that of the glib-tongued youngster brought up in a more cultured environment, yet a casual observation would not disclose this similarity."(2)

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(1) State of New York, Syllabus in Commercial Subjects, p. 50.

(2) Jones, Teaching Business Subjects in the Secondary Schools, p. 227.





## Illustrations of Tests

Illustrations of the above-mentioned types of tests have been included to show more concretely the particular type of test referred to and the use that may be made of it.

### Paragraph with key words missing for daily review

An offer must be \_\_\_\_\_. An offer must be \_\_\_\_\_ . An offer can be accepted by a \_\_\_\_\_ or \_\_\_\_\_. The acceptance must be \_\_\_\_\_ in the \_\_\_\_\_. Acceptance dates from the time of mailing if it is a \_\_\_\_\_ acceptance. The acceptance must be according to the \_\_\_\_\_, within the \_\_\_\_\_, and to the \_\_\_\_\_. Distinguish between offers and \_\_\_\_\_ or \_\_\_\_\_. An acceptance must not \_\_\_\_\_ or \_\_\_\_\_ the terms of an offer. A qualified or \_\_\_\_\_ acceptance is a \_\_\_\_\_. A counter-offer \_\_\_\_\_ or \_\_\_\_\_ an offer. Death \_\_\_\_\_ an offer. An offer may be withdrawn \_\_\_\_\_ before it is accepted. Revocation of an offer takes effect when the \_\_\_\_\_. An offer under seal cannot be \_\_\_\_\_ within the \_\_\_\_\_. An offer lapses after a \_\_\_\_\_ length of time or after the \_\_\_\_\_.

12. How do the parties express their assent in contracts implied in fact?

13. What legislation makes it necessary that certain contracts be in writing?

14. What circumstances may cause revocation of an offer without specific notice to the offeree of such revocation?

15. A benefit to the promisee, or a detriment to the promisor. What Latin phrase expresses this?

16. When does revocation of an offer take effect?





### ONE WORD TEST ON CONTRACTS

(To be used upon completion of the unit on contracts)

1. Of what does an agreement consist?
2. Certain contracts must be in proper form to be enforceable. Name two such contracts.
3. In what court is consideration in a contract under seal of vital importance?
4. What transactions must be distinguished from offers?
5. Name an important section of the Statute of Frauds which deals with contracts.
6. What is valuable consideration?
7. What is lacking to make a contract valid between parties one of whom is mentally incompetent?
8. What kind of interpretation is given a contract whose terms are ambiguous?
9. Name three ways in which a contract may be discharged.
10. When may an offer be withdrawn?
11. What kind of an obligation must result from the agreement in a contract?
12. How do the parties express their assent in contracts implied in fact?
13. What legislation makes it necessary that certain contracts be in writing?
14. What circumstances may cause revocation of an offer without specific notice to the offeree of such revocation?
15. A **benefit** to the promisor, or a detriment to the promisee. What Latin phrase expresses this?
16. When does revocation of an offer take effect?





17. What elements destroy reality of consent in a contract?
18. When an infant refuses to stand by his contract, what does he do to it?
19. Name two mistakes which may justify rescission of a contract.
20. What contracts are binding on an infant?
21. What phrase is used to express the status of parties who are equally wrong in a contract?
22. What does a conditional or qualified acceptance become?
23. Name the essential elements of a contract.
24. Should consideration be present, past or future?
25. What kind of offer cannot be withdrawn?
26. In Massachusetts what constitutes ratification by an infant when he becomes of age?
27. What contracts cannot be assigned?
28. Name two requisites of an offer.
29. What is a contract implied in law sometimes called?
30. What two forms may an offer take?
31. Name this rule -- Evidence of prior or contemporaneous oral negotiations will not be received to contradict or vary a written contract.
32. How must the acceptance be communicated?
33. In what court is time of the essence of the contract?
34. When can a tort liability not be used against an infant?
35. What constitutes reality of consent?
36. How do we classify a contract for the fulfillment of which something remains to be done?





37. What is the most common contract which must always be under seal?
38. Classify infants' and insane persons' contracts.
39. Who as a general rule has rights or liabilities under a contract?
40. In how many ways may contracts be classified?
41. What kind of wants of an infant are "necessaries"?
42. How many general classes of illegal contracts are there?
43. What tort action requires the same elements as fraud?
44. When does an offer come to an end?
45. A promises to pay B \$100 if B works for A for a month. What kind of a contract is it?
46. How may one not originally a party to a contract become a party to it?
47. With what part of a contract must the misrepresentation be concerned to avoid a contract?
48. When does a proper acceptance by mail take effect?
49. What is the effect of illegality upon a contract?
50. What is the status of a contract made by one whom the court has declared insane?





TRUE-FALSE TEST -- CONTRACTS(1)

## INSTRUCTIONS TO THE STUDENT:

The following statements are either true or false. They must be taken just as they stand. There can be no qualified answers. In each statement the general rule of law is stated unless there is a definite qualification in the wording of the statement. For example: "When a contract is broken the injured party should sue for damage." This is a true statement because it states the general rule although in some special cases of breach of contract the injured party should sue for specific performance or possibly for an injunction. There is not intended to be a catch in any statement. Read each statement carefully and decide whether as it stands it is true or false. Then mark it at the left with a True or False according as it is right or wrong.

1. \_\_\_\_\_ Contracts must be either oral or written.
2. \_\_\_\_\_ All contracts under seal and some that are not under seal must be written.
3. \_\_\_\_\_ An oral contract is just as valid as a written one.
4. \_\_\_\_\_ Formal contracts may be in writing under seal or in writing without a seal.
5. \_\_\_\_\_ An executed contract is one that is fully carried out; and executory contract is one whose terms are not carried out.
6. \_\_\_\_\_ A bilateral contract is one in which there are two parties.
7. \_\_\_\_\_ A divisible contract is one which is so worded that one may recover for a part that he has performed even though he does not completely perform his part of it.
8. \_\_\_\_\_ An infant's contract is void.





- 9.\_\_\_\_\_ An infant's contract for necessities is voidable.
- 10.\_\_\_\_\_ Food, clothing and shelter are necessities regardless of the circumstances under which they are purchased by an infant.
- 11.\_\_\_\_\_ The infant who, when he becomes of age does not affirm an executory contract made during his minority, will be held liable under it.
- 12.\_\_\_\_\_ An infant's executed contract must be actively affirmed when he reaches his majority if he desires to continue to hold any benefits he may have derived from it.
- 13.\_\_\_\_\_ An infant's contracts as agent for an adult are binding on the adult.
- 14.\_\_\_\_\_ If a person contracts with an insane person whose mental condition is unknown to him he may insist that the contract be lived up to under all circumstances.
- 15.\_\_\_\_\_ Every contract is based upon an offer and an acceptance.
- 16.\_\_\_\_\_ An offer is effective as soon as it is communicated.
- 17.\_\_\_\_\_ An offer in the form of a letter is communicated as soon as it is put in the Government mail box.
- 18.\_\_\_\_\_ An acceptance is binding on both parties as soon as it reaches the offerer, but not before.
- 19.\_\_\_\_\_ Since an infant's contracts are voidable they are not binding upon the adult in the transaction.
- 20.\_\_\_\_\_ A qualified acceptance amounts to a rejection and automatically withdraws the offer.
- 21.\_\_\_\_\_ An offer may be withdrawn at any time before acceptance.
- 22.\_\_\_\_\_ An agreement to hold an offer open a certain length of time needs no consideration to make it binding.





23. \_\_\_\_\_ The insanity of an offerer subsequent to the making of the offer causes the offer to lapse.
24. \_\_\_\_\_ One who finds that he is mistaken as to the value which a contract will be to him may repudiate it because there was no meeting of minds.
25. \_\_\_\_\_ A person who assigns his part in a contract to another is still liable if the new party does not fulfil his part.
26. \_\_\_\_\_ A man who has a money claim against another may sell that claim, giving to the buyer all his rights against the debtor.
27. \_\_\_\_\_ A laundry company may transfer its business to another company giving to the latter the right to continue to serve the customers of the former under its original contracts with them.
28. \_\_\_\_\_ Fraud is a false representation of a fact, or an artful concealment of a fact, made either with knowledge of its falsity or recklessly, without belief in its truth, with the intention of having it acted upon by another party.
29. \_\_\_\_\_ Any misstatement by a seller about the goods he is selling is a misrepresentation which will make the sale void.
30. \_\_\_\_\_ Overpersuasiveness on the part of a salesman is what is meant by undue influence.
31. \_\_\_\_\_ All contracts in restraint of trade are void as against public policy.
32. \_\_\_\_\_ A contract for the sale of Good Will will be upheld if it is no stronger than is required to protect the rights of the contracting parties.
33. \_\_\_\_\_ "Good" consideration will support an executory contract.
34. \_\_\_\_\_ To be legally acceptable, consideration must be adequate in value for the agreement which it supports.
35. \_\_\_\_\_ A father may not recall a gift to his daughter on account of lack of consideration.





36. \_\_\_\_\_ A promise to accept less than is due on a debt must be supported by consideration.
37. \_\_\_\_\_ One who introduces a friend to a grocer and promises orally to pay for groceries sold him on credit by the grocer if the friend does not pay for them is bound by his promise.
38. \_\_\_\_\_ An oral contract for the sale of real estate can be enforced in a court of law if written evidence signed by the party breaking the contract can be produced.
39. \_\_\_\_\_ An oral contract for personal service to extend over a period of one year from the following Monday is within the Statute of Frauds.
40. \_\_\_\_\_ Refusal to accept legal tender in payment of a debt does not cancel the debt.
41. \_\_\_\_\_ The law will compel people to do as they agree in their contracts.
42. \_\_\_\_\_ Only such damage as would naturally result from a breach of a certain contract can be collected from the one breaking it.
43. \_\_\_\_\_ A contract outlaws after the Statute of Limitations period has passed and therefore from that time on it is uncollectible.
44. \_\_\_\_\_ An injunction is a restraining order issued by a court forbidding a person named from doing certain specified things.
45. \_\_\_\_\_ The mutual promises of people who sign a subscription list are usually sufficient consideration to support all such promises.





(1)

MULTIPLE CHOICE TEST

Directions: Go through the list carefully and mark all that you know for certain, then go back and work out the more difficult ones. In the column provided at the right, place the numerals that stand for true statements.

Example: Laws are derived from (1) constitutions, (2) statutes, (3) public policy, (4) common law.

1, 2, 4.

- 
- |   |       |   |
|---|-------|---|
| 1. A statute law may be enacted by a (1) state legislature, (2) Congress, (3) school board, (4) City council.....         | _____ | 1 |
| 2. Property may be acquired by (1) gift, (2) deed, (3) purchase, (4) accession, (5) forfeiture, (6) confiscation.....     | _____ | 2 |
| 3. Contracts are either (1) void, (2) frivolous, (3) valid, (4) invalid, (5) voidable.....                                | _____ | 3 |
| 4. Contracts may be either (1) written, (2) oral, (3) verbal, (4) simple, (5) parol.....                                  | _____ | 4 |
| 5. Parties to a contract may be (1) mentally, (2) morally, (3) physically, (4) legally incompetent to contract.....       | _____ | 5 |
| 6. An attempt to make a contract through (1) force, (2) fraud, (3) mistake, (4) undue influence is unenforceable.....     | _____ | 6 |
| 7. Contracts in restraint of (1) trade, (2) marriage, (3) barter, (4) justice, (5) charity are against public policy..... | _____ | 7 |
| 8. Consideration is any (1) damage, (2) detriment, (3) inconvenience, (4) privilege, accruing to either party.....        | _____ | 8 |
| 9. Contracts may be terminated by (1) uncertainty, (2) bankruptcy, (3) carelessness, (4) performance, (5) breach.....     | _____ | 9 |
-





10. Consideration may be a (1) present, (2) past, (3) future, (4) or moral act..... 10
11. The promise to answer for the (1) debt, (2) default, (3) conduct, (4) miscarriage of another must be in writing..... 11
12. The term property implies the (1) right of possession, (2) right of use, (3) right to give it away, (4) right to use it in any way..... 12
13. A payee is one who (1) receives the money, (2) pays the money, (3) orders it paid, (4) holds it in trust..... 13
14. Coal in a mine is (1) real property, (2) in a bin personal property, (3) apple trees are personal property, (4) forest trees are real property, (5) fences are personal property..... 14
15. Misrepresentation, to constitute fraud, must refer to some (1) present, (2) past, (3) future act..... 15





COMPLETION TEST -- CORPORATIONS(1)

1. An artificial person, created by law, is a \_\_\_\_\_.
2. The persons instrumental in organizing the corporation are the \_\_\_\_\_.
3. The actual assets or property owned is known as the \_\_\_\_\_ of the corporation.
4. The formal document by which the government creates a corporation is called \_\_\_\_\_.
5. The title of the state officer to whom application must be made for permission to organize a corporation is \_\_\_\_\_.
6. Corporations are of various types. Those organized for the purpose of government and the management of public affairs are \_\_\_\_\_.
7. Those organized for the management of affairs in which the members are interested as private individuals are \_\_\_\_\_.
8. Incorporated societies and mutual benefit societies are usually \_\_\_\_\_.
9. A corporation organized under the laws of a state in which it does business is called a \_\_\_\_\_.
10. A corporation organized under the laws of a state other than that in which it does business is \_\_\_\_\_.
11. Any person who owns shares of stock in a corporation is a \_\_\_\_\_.
12. The ordinary stock of a corporation is called \_\_\_\_\_.
13. Stock which carries a fixed rate of income is called \_\_\_\_\_.





14. The income which each shareholder receives on his stock is the \_\_\_\_\_.
  15. Each stockholder should receive a \_\_\_\_\_ from the corporation stating the kind and amount of stock which he owns.
  16. The amount which stockholders are obliged to contribute to make up a deficit is an \_\_\_\_\_.
  17. The agreement of a person to take shares of stock in a corporation to be formed later \_\_\_\_\_.
  18. When a preferred stockholder is entitled to twice as much income the next year if he receives none this year, his dividends are said to be \_\_\_\_\_.
  19. When an extra dividend is paid by the corporation, those shares of stock which are not entitled to share in the distribution are said to be \_\_\_\_\_.
  20. The amount of net profit available for dividends is called \_\_\_\_\_.
1. a specified time only. ( ) 10. acceptance
2. a guaranty made for an indefinite period. ( ) 11. fidelity insurance
3. The contract in which the guarantor agrees to pay if the principal debtor does not. ( ) 12. creditor
4. One who makes the principal debt his own and is bound severally with the principal on the contract. ( ) 13. guaranty of payment
5. ( ) 14. guarantor
6. ( ) 15. limited guaranty





MATCHING TEST -- GUARANTY & SURETYSHIP(1)

- |   |     |                                |
|---|-----|--------------------------------|
| 1. Contract resulting from the promise of one party to answer for the debts, defaults, or legal obligations of another party. | ( ) | 1. Surety                      |
| 2. The person who gives the guaranty.   | ( ) | 2. Consideration               |
| 3. The person to whom the guaranty is given.  | ( ) | 3. Specific guaranty           |
| 4. The person whose performance is guaranteed.  | ( ) | 4. Statute of Frauds           |
| 5. The Act which prescribes the form of contracts of guaranty.  | ( ) | 5. Principal debtor            |
| 6. The inducement for the guaranty.   | ( ) | 6. General guaranty            |
| 7. A guaranty which is to last a specified time only.   | ( ) | 7. Revocation                  |
| 8. A guaranty made for an indefinite period.  | ( ) | 8. Alteration                  |
| 9. The contract in which the guarantor agrees to pay if the principal debtor does not.  | ( ) | 9. Guaranty                    |
| 10. One who makes the principal's debt his own and is bound severally with the principal on the contract.                     | ( ) | 10. Acceptance                 |
|   | ( ) | 11. Fidelity insurance company |
|   | ( ) | 12. Creditor                   |
|   | ( ) | 13. Guaranty of payment        |
|   | ( ) | 14. Guarantor                  |
|   | ( ) | 15. Limited guaranty           |





11. Changes made by the creditor in the terms or amount of the guaranty. ( ) 16. Indemnity
12. Contract of guaranty addressed to any one. ( ) 17. Guarantee of collection
13. Companies which guarantee the honesty of employees. ( ) 18. Subrogation
14. Failure of the principal debtor to fulfill his obligation. ( ) 19. Default
15. Cancellation by the guarantor of his guaranty. ( ) 20. Title guarantee company
16. The right of the guarantor to recover amounts paid by him and his expenses from the principal debtor. ( ) 21. Continuing guarantee
17. Substitution of the guarantor for the creditor in holding securities deposited by the principal debtor. ( ) 22. Contribution
18. The right that the guarantor paying the debt has against the other co-guarantors.
19. A guaranty addressed to a definite person.



11. Changes made by the creditor in the terms or amount of the guaranty.
12. Contract of guaranty addressed to any one.
13. Companies which guarantee the honesty of employees.
14. Failure of the principal debtor to fulfill his obligation.
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18. The right that the guarantor paying the debt has against the other co-guarantors.
19. A guaranty addressed to a definite person.
20. Title guaranties company
21. Continuing guaranties
22. Contribution
23. Subrogation
24. Indemnity
25. Guaranties of collection

COMBINATION ESSAY, CASE PROBLEM AND OBJECTIVE TYPE TEST --  
NEGOTIABLE INSTRUMENTS(1)

1. Name at least five requirements of negotiability in order that a contract be a negotiable paper.
2. Name and illustrate four types of indorsement and state the legal effect of each as to (a) Liability of indorser, (b) Negotiability thereafter.
3. Name the warranties of an indorser. Do these warranties hold if he indorses "Without recourse"?
4. Name the qualifications needed by a holder of a paper in order that he be a holder in due course.
5. Distinguish between "Real defenses" and "Personal defenses." Name four of each.
6. A is of sound mind and able to read and write. B is A's son. B and X ask A to sign a paper represented as a contract to buy merchandise which B is buying from X. A signs the paper without reading it. It turns out that the paper signed by A is a negotiable promissory note and known to be such by B and X. X sues A on the paper. Decision will be given for (A).
7. A's defense in the above case is a (real, personal) defense.
8. If the paper mentioned in 6 above were sold to Y, a holder in due course, and Y later sues A, the decision will be given for (Y).
9. If Y, the holder in due course, had not sued A, but had transferred the paper to M, and M knew that B and X had obtained the paper in the manner described in Problem 6, and M sues A, the decision will be for (M). If M had transferred the paper to X again, X sues A, held for (A).
10. Mark the following true or false by using the letter T or F in the blank at left:
  - a. T An accommodation indorser need not be notified in order to be held.
  - b. T A paper payable to bearer on its face need not be indorsed in order to give legal title to a transferee.
  - c. F If a bank fails, the holder of a check on a bank must always stand the loss.
  - d. F A draft drawn in Muncie on a bank in Cincinnati is a domestic bill.
  - e. T A draft drawn in Muncie on B in Gary is a domestic bill of exchange.
  - f. T A finder can give good title to a check payable to bearer.
  - g. T All checks are drafts.
  - h. F All drafts are checks.
  - i. T The drawee of a draft is an "original party" to the draft.
  - j. F A holder in due course can collect from a minor-maker of a note.
  - k. F If the payee of a check has it certified and the bank fails before it is cashed, the maker can be made to pay the holder.





## CHAPTER XVII

### CONCLUSIONS

"Education, not experience, is the first step of civilization."

—Francis Thompson (1897)

That there is a place for the law course in the high school curriculum is not to be doubted. But whether it should be law for everyone or business law for the student of business is a disputed matter. The former is

### PART III

### CONCLUSIONS

That the study of law is not to be confined to the high school is designed for the pupil who is specializing in business. Its chief aim now is to be to prepare youth to become better citizens but rather to teach them principles of law which they may have occasion to use in their business careers.

Answers to questionnaires submitted to pupils who had studied law in high school showed that few pupils shared any general, social benefits from the course. Apparently they had been given little opportunity to study law beyond their immediate textbook. Likewise answers to questionnaires to teachers indicated that little use was made of material other than the textbook.





## CHAPTER XVII

### CONCLUSIONS

"Manhood, not scholarship, is the first aim of education."

---Ernest Thompson Seton

That there is a place for the law course in the high school curriculum is not to be doubted. But whether it should be law for everyone or business law for the student of business is a disputed point. The former is proved by the majority of schools throughout the country offering such a course. And statistics tend to indicate that the study of law as it is now given in the high school is designed for the pupil who is specializing in business. Its chief aim seems not to be to prepare youth to become better citizens but rather to teach those principles of law which they may have occasion to use in their business careers.

Answers to questionnaires submitted to pupils who had studied law in high school showed that few pupils secured any general, social benefits from the course. Apparently they had been given little opportunity to study law beyond their immediate textbook. Likewise answers to questionnaires to teachers indicated that little use was made of material other than the textbook.





This is not, however, the fault of the teacher as might seem at first sight. It lies farther back than the teacher of law. The aims of the law course as it is being taught at the present time are not satisfactory. The subject matter is even more poorly laid out. The question that must be answered before a great deal of progress can be made is, To what extent should business law be taught rather than general law? And this question will be answered only when it is recognized that the distinction which has been made between law and business law is largely a fictitious one.

Another distinction which must be recognized as an erroneous one is the distinction made between the needs of the academic pupil and the business pupil for training in law. Unless the study of law can be made of value not only to a specialized group of individuals but to society as a whole, it will continue to hold a questioned place in the high school curriculum.

One of the objectives of the public high school is a social one, and law is the oldest of the social sciences. It should, therefore, be taught from the social point of view. Its principles have been developed out of centuries of business and social relationships. And these





principles should be so taught to the high school pupil that they will help him become a better citizen and member of society.

In order to secure the desired social outcomes, however, there should be a complete revision of both subject matter and methods of teaching. In spite of the studies and suggestions which have been made in this connection, little has been done to change the practices being followed. From the social point of view, laws are a means of social control and methods of instruction should be used which will keep this social attitude foremost in the minds of the pupils. Emphasis should be not on the technique and mastery of rules, not on facts about law, but on the function and operation of laws in a modern civilization.

As to subject matter, that material should be emphasized which has the greatest social value. Furthermore, the material should be better suited to the age and experiences of the pupils. Though it has been stressed throughout the paper, it may well be stated again that illustrations should be drawn from life activities, from happenings in the local community.

Lastly, in law perhaps more than in any other subject should the teacher make use of every available





means of arousing and holding the interest and enthusiasm of the pupils. There are many teaching aids and devices by which this may be accomplished and teachers, busy though they may be, will find that a little time spent in planning "something different" for the class will be saved many times over. The pupils will grasp principles much more easily and quickly and the results obtained from their study of law will well repay the teacher for the time and energy expended in the quest for methods of improving and vitalizing his teaching. It is not enough to show the relationship of law to and the necessity for law in daily life; this must be learned to a great extent through pupil activity.

"Charter says, 'Ideals cannot be wholly developed by formula.' We learn to do by doing. We must have practice."(1)

Progress in the teaching of law can be made only through conscious effort, never by mere chance. And in the teaching of that subject which is the foundation on which a nation is built, strive always to make the pupils see that the law is reasonable and worthy of their respect as citizens. Make them respect that law through the realization that "Obedience to law is liberty" and that there is no liberty except in obedience to law. "The law! It has honored us! May we honor it!"

---

(1) M. A. C. Flinn, The Teaching of Ethics through Commercial Law, E.C.T.A., Fifth Yearbook, p. 67.





"The law of worthy life is fundamentally the law of strife. It is only through labor and painful effort, by grim energy and resolute courage, that we move on to better things."

---Theodore Roosevelt





Will you please fill in the following information?  
Miss Susan D. Allen

Address: \_\_\_\_\_

PLEASE PRINT NAME AND ADDRESS OF THE

For the State of \_\_\_\_\_

Total number of high schools \_\_\_\_\_

Total number of high schools for the year \_\_\_\_\_

Total number of commercial schools for the year \_\_\_\_\_

Total number of teachers of the \_\_\_\_\_

Total high school population \_\_\_\_\_

Year \_\_\_\_\_

**APPENDIX**

Total enrollment in \_\_\_\_\_

Year \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For the State of \_\_\_\_\_

Year \_\_\_\_\_

For the State of \_\_\_\_\_

Year \_\_\_\_\_

\_\_\_\_\_





# QUESTIONNAIRE TO STATE SUPERINTENDENTS

Will you please fill in this questionnaire and return it to  
Miss Ethel D. Green, 1011 Washington Street, Newtonville, Mass.

\*\*\*\*\*

PLEASE GIVE DATA FOR THE YEAR 1932-1933

For the State of \_\_\_\_\_

Total number of high schools in the state \_\_\_\_\_

Total number of high schools offering course in law \_\_\_\_\_

Total number of commercial teachers in the state \_\_\_\_\_

Total number of teachers of law \_\_\_\_\_

Total high school population:

Boys: Grade 10 \_\_\_\_\_ Girls: Grade 10 \_\_\_\_\_

11 \_\_\_\_\_ 11 \_\_\_\_\_

12 \_\_\_\_\_ 12 \_\_\_\_\_

Total enrollment in law courses:

Boys: Grade 10 \_\_\_\_\_ Girls: Grade 10 \_\_\_\_\_

11 \_\_\_\_\_ 11 \_\_\_\_\_

12 \_\_\_\_\_ 12 \_\_\_\_\_

Do you object to the figures for your state being shown  
separately? \_\_\_\_\_

If you wish a summary of the results of this questionnaire,  
to whom should it be sent? \_\_\_\_\_

\_\_\_\_\_







# QUESTIONNAIRE TO HIGH SCHOOL PRINCIPALS

Will you please fill in this questionnaire and return  
it to  
Miss Ethel D. Green, 1011 Washington Street, Newtonville,  
Massachusetts

\*\*\*\*\*

(Please give data for the year 1932-1933).

Is law offered in \_\_\_\_\_ high school? \_\_\_\_\_

If not, is there a particular reason for its omission? \_\_\_\_\_

If LAW IS OFFERED, is it

Required in commercial curriculum? \_\_\_\_\_ What year? \_\_\_\_\_

Required in college preparatory? \_\_\_\_\_ What year? \_\_\_\_\_

Required in other curricula? \_\_\_\_\_ What year? \_\_\_\_\_

\_\_\_\_\_ What year? \_\_\_\_\_

Elective in commercial curriculum? \_\_\_\_\_ What year? \_\_\_\_\_

Elective in college preparatory? \_\_\_\_\_ What year? \_\_\_\_\_

Elective in other curricula? \_\_\_\_\_ WHAT YEAR? \_\_\_\_\_

\_\_\_\_\_ What year? \_\_\_\_\_

LENGTH OF COURSE: Half year? \_\_\_\_\_ Number of periods per week \_\_\_\_\_

Full year? \_\_\_\_\_ Number of periods per week \_\_\_\_\_

Number of classes in law \_\_\_\_\_ Teachers of law \_\_\_\_\_

Total high school population:

Boys: Grade 10 \_\_\_\_\_ Girls: Grade 10 \_\_\_\_\_

11 \_\_\_\_\_ 11 \_\_\_\_\_

12 \_\_\_\_\_ 12 \_\_\_\_\_

Total enrollment in commercial  
curriculum?

Boys: Grade 10 \_\_\_\_\_ Girls: Grade 10 \_\_\_\_\_

11 \_\_\_\_\_ 11 \_\_\_\_\_

12 \_\_\_\_\_ 12 \_\_\_\_\_

Total enrollment in law courses:

Boys: Grade 10 \_\_\_\_\_ Girls: Grade 10 \_\_\_\_\_

11 \_\_\_\_\_ 11 \_\_\_\_\_

12 \_\_\_\_\_ 12 \_\_\_\_\_

If figures are available, how many of above law pupils  
are enrolled primarily in the commercial curriculum? Boys \_\_\_\_\_

Girls \_\_\_\_\_

are enrolled primarily in other curricula? Boys \_\_\_\_\_

Girls \_\_\_\_\_

Text book used \_\_\_\_\_

Supplementary material - Work Book \_\_\_\_\_

Standardized Tests \_\_\_\_\_

Other material \_\_\_\_\_

If you wish a summary of this survey, to whom should it be sent?

\_\_\_\_\_



# QUESTIONS TO HIGH SCHOOL PRINCIPALS

Will you please fill in this questionnaire and return

it to

Miss Fred B. Green, 1011 Washington Street, Newsmobile, Mississippi

Thank you

(Please give date for the year 1933-1934)

Is law offered in \_\_\_\_\_ high school?

If not, is there a particular reason for its omission?

Is law in operation, as is

Required in commercial curriculum? \_\_\_\_\_ What year?

Required in college preparatory? \_\_\_\_\_ What year?

Required in other curriculum? \_\_\_\_\_ What year?

Required in commercial curriculum? \_\_\_\_\_ What year?

Required in college preparatory? \_\_\_\_\_ What year?

Required in other curriculum? \_\_\_\_\_ What year?

Required in commercial curriculum? \_\_\_\_\_ What year?

Required in college preparatory? \_\_\_\_\_ What year?

Required in other curriculum? \_\_\_\_\_ What year?

Number of courses: \_\_\_\_\_ Half year? \_\_\_\_\_ Number of periods per week

\_\_\_\_\_ Full year? \_\_\_\_\_ Number of periods per week

Number of classes in law \_\_\_\_\_ Teachers of law \_\_\_\_\_

Total high school population:

Boys: \_\_\_\_\_ Grade 10 \_\_\_\_\_ Girls: \_\_\_\_\_ Grade 10 \_\_\_\_\_

\_\_\_\_\_ 11 \_\_\_\_\_ 11 \_\_\_\_\_ 12 \_\_\_\_\_ 12 \_\_\_\_\_

Total enrollment in commercial

curriculum? \_\_\_\_\_

Boys: \_\_\_\_\_ Grade 10 \_\_\_\_\_ Girls: \_\_\_\_\_ Grade 10 \_\_\_\_\_

\_\_\_\_\_ 11 \_\_\_\_\_ 11 \_\_\_\_\_ 12 \_\_\_\_\_ 12 \_\_\_\_\_

Total enrollment in law courses:

Boys: \_\_\_\_\_ Grade 10 \_\_\_\_\_ Girls: \_\_\_\_\_ Grade 10 \_\_\_\_\_

\_\_\_\_\_ 11 \_\_\_\_\_ 11 \_\_\_\_\_ 12 \_\_\_\_\_ 12 \_\_\_\_\_

If figures are available, how many of above law pupils

are enrolled primarily in the commercial curriculum? Boys \_\_\_\_\_

Girls \_\_\_\_\_

are enrolled primarily in other curriculum? Boys \_\_\_\_\_

Girls \_\_\_\_\_

Form book used



QUESTIONNAIRE TO PUPILS IN BUSINESS LAW

Name \_\_\_\_\_

Are you taking the General Course \_\_\_\_\_ What Course, if  
 College Course \_\_\_\_\_ none of  
 Commercial " \_\_\_\_\_ these \_\_\_\_\_

Reason for taking the course in law: (check one)  
 Required \_\_\_\_\_  
 Some one recommended it \_\_\_\_\_  
 Wanted to take it \_\_\_\_\_

1. What topics in the law course were of most interest to you? (List most interesting one first; next most interesting, second; etc.)

2. What topics interested you the least? (List in order as in (1))

3. What topics have you had difficulty in learning? (State topic and reason for difficulty)

4. What topics do you think will prove of most benefit to you?

5. Are there some legal topics you would like to study which were not included in the law course? If so, what are they?

6. Have you visited  
 a court? \_\_\_\_\_ Would you like to? \_\_\_\_\_  
 a lawyer's office? \_\_\_\_\_ " " " " \_\_\_\_\_  
 a state house? \_\_\_\_\_ " " " " \_\_\_\_\_  
 a legislature in session \_\_\_\_\_ " " " " \_\_\_\_\_  
 a prison \_\_\_\_\_ " " " " \_\_\_\_\_  
 Has your law class made any other visits? Where? \_\_\_\_\_

7. Did you organize a moot court in class? \_\_\_\_\_ Enjoy it? \_\_\_\_\_  
 Did you hold a mock trial in class? \_\_\_\_\_ Enjoy it? \_\_\_\_\_

8. What other special assignments did you do? (Check those you did not feel were of any benefit)

9. What special lecturers addressed your class?

10. Can you name one thing you learned from your study of law that you think will be of real value to you? If so, what is it?





# QUESTIONNAIRE TO TEACHERS OF LAW

1. Show by numbers - 1,2,3 etc. the order of importance which you attach to the following reasons for teaching law in high school.

For its practical value in everyday life \_\_\_\_\_

To teach business ethics, honesty, and social responsibility \_\_\_\_\_

To teach the legal aspects of commercial organization and practice \_\_\_\_\_

To develop logical and accurate thinking \_\_\_\_\_

For its social and cultural value \_\_\_\_\_

For its correlative value \_\_\_\_\_

For its disciplinary value \_\_\_\_\_

2. Textbook used: \_\_\_\_\_

Work Book Used: \_\_\_\_\_

Standardized Tests Used: \_\_\_\_\_

Teacher's Reference Material Used: \_\_\_\_\_

3. Teaching Method Used:

Case \_\_\_\_\_

Text \_\_\_\_\_

Discussion \_\_\_\_\_

Recitation \_\_\_\_\_

Socialized Recitation \_\_\_\_\_

Others: \_\_\_\_\_

4. Types of Tests Used;

For daily review \_\_\_\_\_

For more formal testing \_\_\_\_\_

For final examination \_\_\_\_\_

5. Special teaching devices (such as visits, projects, notebooks, etc.)

6. Are you in sympathy with the teaching of law in high school?

7. In your opinion is the subject taught satisfactorily? If not, what do you consider to be the difficulty or deficiency?



The following are the topics which are usually included in high school law text books. In column (1) please check those topics that you teach in your class; in column (2), those included in the text book you are using; in column (3) those not in the text you are using; in column (4) the approximate number of class periods devoted to each topic; in column (5) those you feel should not be taught in high school; in column (6) those you feel should be given more emphasis in high school.

	(1)	(2)	(3)	(4)	(5)	(6)
History of law						
Fields of law						
Contracts						
Sales						
Agency						
Negotiable Instruments						
Partnerships						
Corporations						
Bailment						
Bankruptcy						
Real Property						
Personal Property						
Insurance						
Court jurisdiction						
Court procedure						
Common carriers						
Wills						
Torts						
Surety and Guaranty						
Master and Servant						
Landlord and Tenant						
Crimes						
Other Topics:						

Name (if you are willing to give it; otherwise state whether you are male or female)

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